

TEXAS REGISTER

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MAY 2 1977

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NOTES ON THE ISSUE

In a recent decision, the attorney general held that the withholding of academic records of a person whose loan account was not in good standing was illegal under the provisions of the Open Records Act. Because their rules governing the Hinson-Hazlewood loan program are inconsistent with this decision, the Coordinating Board, Texas College and University System, is proposing amendments to those rules which, if adopted, would allow for the release of "unofficial" copies of the records, but would allow "official certified" copies to be released only when the borrower's account is in good condition.

In other action, the Coordinating Board has adopted rules pertaining to junior colleges in Texas. Those rules, which appear in the Adopted Rules section of this issue, concern the creation of and basic standards for the two-year institutions.

The Texas Education Agency has adopted new rules on accreditation of school districts. Accreditation rules are periodically reviewed and brought up to date by that agency. The new rules, the first installment of which appears in this issue, also take into account a law passed by the 64th Legislature which makes accreditation a requirement for participation in the Foundation School Program. Accreditation had heretofore been voluntary.

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



Mark White
Secretary of State

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Requests for Opinions

Summary of Request for Opinion RQ-1626

Request for opinion sent to Attorney General's Opinion Committee by Mike Atkins, Ector County Attorney, Odessa.

Summary of Request: May a county hospital sell and assign patients' accounts at a discount and with recourse to a state or national bank?

Doc No. 772106

Summary of Request for Opinion RQ-1627

Request for opinion sent to Attorney General's Opinion Committee by John Wilson, Chairman, Committee on Health and Welfare, House of Representatives, Austin.

Summary of Request: Is HB 1875, which would classify certain abortions as murder, constitutional?

Doc. No. 772107

Summary of Request for Opinion RQ-1628

Request for opinion sent to Attorney General's Opinion Committee by Jack K. Williams, President, Texas A&M University, College Station.

Summary of Request: Does Article 6252-26, Vernon's Texas Civil Statutes, which provides that the state shall pay damages against state employees engaged in certain health-related activities, apply to the following employees of Texas A&M University:

- (1) clinical personnel in the College of Veterinary Medicine,
- (2) personnel employed by the Texas Veterinary Medical Diagnostic Laboratory,
- (3) health center personnel,
- (4) psychologists on the university counseling staff?

Doc. No. 772108

Summary of Request for Opinion RQ-1629

Request for opinion sent to Attorney General's Opinion Committee by Raymond W. Vowell, Commissioner, State Department of Public Welfare, Austin.

Summary of Request: Are bidders' proposals for administration of a portion of Texas Medicaid program which are submitted to the Department of Public Welfare required to be made available for public inspection?

Issued in Austin, Texas, on April 25, 1977.

Doc. No 772109 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 27, 1977, 12:02 p m

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

Opinions

Summary of Opinion H-985

Request for opinion from Henry Wade, Criminal District Attorney, Dallas County, Dallas, concerning applicability of civil service laws to employment of deputy sheriffs.

Summary of Opinion: The County Civil Service Act, Article 2372h-6, Vernon's Texas Civil Statutes, does not apply to deputy sheriffs.

Issued in Austin, Texas, on April 25, 1977.

Doc. No. 772110 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 27, 1977, 12:02 p m

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

Letters Advisory

Summary of Letter Advisory 138

Request from William Moore, State Senator, the State of Texas, Austin, concerning the constitutionality of SB 556, relating to local option elections in cities located in more than one county.

Summary of Letter Advisory: SB 556, which would provide a mechanism to hold local option elections in cities located in more than one county, would probably be found by the courts to be constitutional.

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

Doc. No. 772093 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: April 26, 1977, 2:36 p m

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

PROPOSED RULES

1660

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

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

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

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

Coordinating Board, Texas College and University System

Student Services

Hinson-Hazelwood College Student Loan Program 251.05.04

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.05.04.007(d) in the Student Services Category of rules applicable to identification of student records.

Hinson-Hazelwood regulations presently require institutions participating in the loan program to withhold release of the academic record of a person whose loan account is not in good standing. Open Records Decision 152 indicates that such person is entitled to a copy of his or her record, regardless of any unfulfilled obligations.

To resolve the inconsistency between the loan program regulations and the opinion of the attorney general, it is proposed that the Hinson-Hazelwood regulations should be changed to allow institutions to release an "unofficial" copy of the record upon proper request but that an official certified copy of the record may be

released only when the borrower's account is in good condition. It is believed that such a regulation would meet the requirements of the Texas Open Records Act and at the same time help both institutions and the loan program to exert pressure on delinquent borrowers.

Public comment on the proposed amendment to Rule 251.05.04.007(d) is invited. Comments may be submitted for a period of 30 days from the date of publication by telephoning the office of the Coordinating Board at (512) 475-4361 or by writing to the Coordinating Board at P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The amendment to Rule 251.05.04.007(d) is proposed under the authority of Chapter 52, Texas Education Code.

.007. *Identification of Student Records.*

(d) All records of each student who is a borrower under the Texas Opportunity Plan Fund shall be so identified in the office of the registrar at each eligible institution. *An official certified copy of such records may be released and/or the student may re-register in the eligible institution only upon certification by the Hinson-Hazelwood College Student Loan Program Officer at the institution that the borrower's account is in good condition. Exceptions to this rule must be approved by the commissioner in advance of release of an official certified copy of the records or re-registration [records released or re-registration].*

Issued in Austin, Texas, on April 22, 1977

Doc No 772062 Kenneth H. Ashworth
Commissioner of Higher
Education

Proposed Date of Adoption June 10, 1977

For further information please call (512) 475-4361



Texas Education Agency State Commissioner of Education

Adoptions by Reference: General
Network-System Plan for Computer
Services 226.13.90

The Texas Education Agency proposes to amend Rule 226.13.90.040, the permanent adoption by reference of the *Network-System Plan for Computer Services*. The plan is being updated.

Public comment on the proposed amendment to Rule 226.13.90.040 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 subcategory title of the rule has been amended and the rule number has been changed from 226.13.93.010 to 226.13.90.040.

This rule is promulgated under the authority of Section 11.33(d), Texas Education Code.

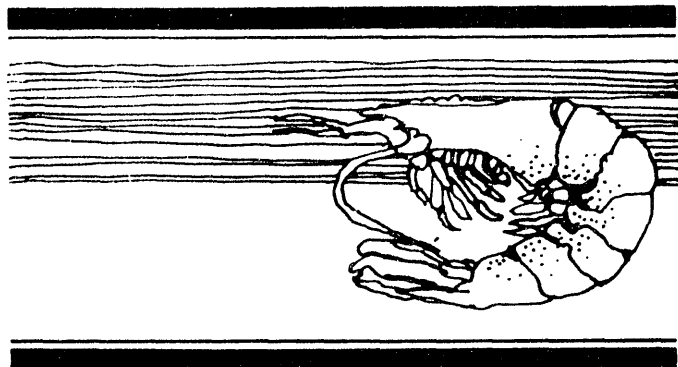
040. Network-System Plan for Computer Services. The rules for computer services are described in the official Texas Education Agency Bulletin, *Network-System Plan for Computer Services, 1977* [1976], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency Building, 201 East 11th Street, Austin, Texas.

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

Doc No 772098 M. L. Brockette
Commissioner of Education

Proposed Date of Adoption May 3, 1977

For further information, please call (512) 475-707



Texas Department of Health Resources Nursing and Convalescent Homes

Minimum Licensing Standards for Personal
Care Homes 301.54.07

The Texas Department of Health Resources proposes to adopt new Rules 301.54.07.001-.004 on minimum licensing standards for personal care homes.

The department has recently determined that there is a significant number of persons not presently residing in nursing homes or custodial care homes who cannot maintain independent life style and need the presence of an intermediary to provide food and shelter and, in addition, some supervision or aid in every-day living. Moreover, these persons do not need usual and routine attendance during night-time sleeping hours nor do they need the care and services normally provided by a nursing home or custodial care home. Some of these persons are ambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions. The department believes that these persons can be accommodated in a personal care home or facility which does not provide the degree of services normally expected or required in a nursing home or custodial care home but do need and deserve the protection of the law in assuring that they are provided safe and sanitary living conditions and, as needed, are provided assistance in every-day living. The department, therefore, proposes that minimum licensing standards be promulgated to cover institutions providing these services.

Public hearings will be held on the proposed new rules at the following locations:

(1) Corpus Christi, June 8, 1977, 10 a.m.-- Corpus Christi-Nueces County Health Department, 1702 Horne Road, Corpus Christi, Texas 78408

(2) Rosenberg, June 10, 1977, 10 a.m.-- Fort Bend Federal Bank, 3420 Avenue H, Rosenberg, Texas 77471

(3) Arlington, June 15, 1977, 10 a.m.-- Chamber of Commerce, 316 West Main, Arlington, Texas 76010

(4) Austin, June 20, 1977, 9 a.m.-- Texas Department of Health Resources, 1100 West 49th Street, Austin, Texas 78756

(5) Lubbock, June 22, 1977, 10 a.m.-- Texas Department of Health Resources, Public Health Region 2, 3411 Knoxville, Lubbock, Texas 79413

Interested persons may appear and present verbal or written data, view, or arguments on the proposed rules.

In addition, written comments may be submitted directly to the department no later than July 1, 1977, and addressed to Howard C. Allen, Director, Nursing and Convalescent Homes Division, Texas Department of Health Resources, 1100 West 49th Street, Suite 202T, Austin, Texas 78756.

The first installment of these rules appeared in the April 29, 1977, issue of the *Register*. The following rules are the final installment of this proposed subcategory.

These rules are proposed under the authority of Article 4442c, Texas Civil Statutes.

.003. Personal Care Homes - Type B.

(a) Building construction.

(1) The requirements for building construction are the same as those for Personal Care Homes-Type A.

(2) Type B-Class I is the same as Type A-Class I.

I.

(3) Type B-Class II is the same as Type A-Class II.

II.

(b) Personal safety and comfort. The requirements for personal safety and comfort are the same as those for Personal Care Homes-Type A.

(c) Sanitary environment. The requirements for sanitary environment are the same as those for Personal Care Homes-Type A.

(d) Accommodations.

(1) Resident bedrooms. All content of resident bedrooms for Personal Care Homes-Type A shall apply except: Bedrooms shall have 80 square feet of usable floor space per bed for multiple-bed rooms.

(2) Resident toilet and bathing facilities. Same as that for Personal Care Homes-Type A.

(3) Recreation, living and day room. Same as that for Personal Care Homes-Type A.

(4) Space for counseling and training.

(A) A private office or private space shall be available for private individual counseling and for the safekeeping of files and records.

(B) Where a program of active treatment or care is given a resident in the facility, appropriate training space shall be provided.

(5) Miscellaneous.

(A) The facility shall provide access to regularly scheduled public transportation where desirable by the resident to meet his transportation needs or provide some type of regular type of transportation to meet those needs.

(B) The facility shall provide adequate parking space for resident visitors.

(e) Care and services.

(1) Personnel.

(A) Eligibility for licensure. Same as that for Personal Care Homes-Type A.

(B) Governing body. Same as that for Personal Care Homes-Type A.

(C) Administrative management.

(i) Full-time operator. Same as that for Personal Care Homes-Type A.

(ii) Age, physical, and mental requirements for operator. Same as that for Personal Care Homes-Type A.

(iii) The operator shall have graduated from an accredited high school or hold a certificate of equivalency of graduation from an accredited high school. It is desirable for the operator to have completed courses in administration and special courses in the care of the mentally retarded.

(iv) Operator's responsibilities. Same as that for Personal Care Homes-Type A.

(v) Absence of operator. Same as that for Personal Care Homes-Type A.

(vi) Operator and governing body. Same as that for Personal Care Homes-Type A.

(D) Staffing. Same as that for Personal Care Homes-Type A.

(2) Operational policies and admissions.

(A) Operational policies. Same as that for Personal Care Homes-Type A.

(B) Admission policy. Same as that for Personal Care Homes-Type A.

(3) Administration of protective services.

(A) Medications.

(i) In the event it becomes necessary for the staff of the personal care home to accept responsibility for insuring that self-administered medications are in fact taken by the resident in accordance with instructions given by the treating physician, then the personal care home must establish and carry out proper safeguards to the residents of the home. For those residents requiring the home to accept that responsibility, all such medications shall be kept in a central medications cabinet and/or refrigerator under lock and key. Also, if medications must be safeguarded against unauthorized access by residents, such medications shall be kept in a central medicine cabinet and/or refrigerator under lock and key.

(ii) For any resident who meets all the criteria for admission to or retention in the facility but who: (a) must have more assistance in the administration of his medication than that described in paragraph (i) above, or (b) requires a person other than himself to directly administer a medication, the medication shall be handled and/or administered by not less than a medication aide who is an adult, responsible person, has completed a medication administration course commensurate with a state-approved medication administration course required under Medicare-Medicaid long-term care programs, and administers such medication under the supervision of a licensed nurse.

(iii) Medications handled or administered under the provisions of paragraph (ii) above must be safeguarded as called for in paragraph (i) above and must be recorded in a resident's clinical record. Written plans must be developed and carried out to provide confidentiality of records and medical information.

(iv) Medications which must be safeguarded as called for in paragraph (i) above must be located in a space that is well-lighted and temperature controlled. Each resident's medications so safeguarded must be arranged in separate cubicles, spaces, or containers.

(v) A separate record must be maintained for each drug covered by Schedules II, III, and IV of the Controlled Substances Act of 1970. The record for each drug must contain the prescription number, name and strength of drug, date, time administered, name of resident, dose, physician's name, signature of person administering dose, and balance verifiable by drug inventory.

(vi) Unprescribed legend pharmaceuticals shall not be maintained in a personal care home.

(B) Accident, injury, or acute illness. Same as that for Personal Care Homes-Type A.

(C) Personal belongings and finances. Same as that for Personal Care Homes-Type A.

(D) Hygienic, grooming, or other services. Same as that for Personal Care Homes-Type A.

(E) Dietary service. Same as that for Personal Care Homes-Type A.

(F) Humane treatment and civil rights. Same as that for Personal Care Homes-Type A.

.004. Personal Care Homes-Type C.

(a) Building construction.

(1) Application.

(A) All buildings or structures, whether new construction or existing construction regardless of existing occupancy, to be used as a licensed personal care home shall be in accordance with these standards. Any exceptions are specifically mentioned. See also paragraph (C) below.

(B) Any personal care home existing in operation at the time of adoption of these standards by the Texas Board of Health Resources shall be given a reasonable time by the licensing agency in which to comply with the physical plant requirements.

(C) For any personal care home existing in operation at the time of adoption of these standards, the Licensing Agency may modify requirements whose application would be clearly impractical in the judgment of the Licensing Agency. Any such modification shall be allowed only to the extent that reasonable life safety against the hazards of fire, explosion, structural or other building failure, and panic is provided and maintained; and any alternative arrangements shall secure as nearly equivalent safety to life as practical,

but in no case shall the modifications be less restrictive or afford less safety to life than full compliance with these standards.

(2) Codes, guides, manuals.

(A) Buildings and structures shall conform to the Life Safety Code, 1973 edition, No. 101, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210, as follows:

(i) Personal care facilities of Type C which are in operation on the effective date of these standards shall conform at least to Chapter 10, Section 10-2. Existing Hospitals, Nursing Homes, and Residential-Custodial Care Facilities.

(ii) New personal care facilities of Type C shall conform to Chapter 10, Section 10-1. New Hospitals, Nursing Homes, and Residential-Custodial Care Facilities.

(iii) Buildings converted to Type C from other health care occupancies shall conform to Chapter 10, as determined by the licensing agency.

(iv) Buildings converted to Type C from occupancies other than health care shall conform to Chapter 10, Section 10-1, except as may be waived or allowed otherwise by the licensing agency.

(v) Type C Personal Care Homes in the actual physical process of being built or converted at the time of effective date of these standards need conform only to Chapter 10, Section 10-2.

(vi) Other chapters, sections, subsections, or paragraphs of the Life Safety Code, such as Sections 17-1 and 17-4 shall apply as referenced or intended for their relation to Chapter 10.

(B) At the time of initial licensing of a building, structure, or addition under these standards, such buildings, structure, or addition shall generally meet the then current editions of the following codes and guides.

(i) A nationally recognized building code such as:

(a) National Building Code, recommended by the American Insurance Association, 85 John Street, New York, N.Y., 10038, (Residential Occupancy)

(b) Standard Building Code, Southern Building Code Congress International, Inc., 3617 Eighth Avenue, South, Birmingham, Alabama, 35222 (Residential Occupancy)

(c) Uniform Building Code, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, (Hotels or Apartment Houses Occupancy)

(ii) The National Electric Code, No. 70, as published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts, 02210.

(iii) The National Plumbing Code as published by the American Standards Association, 70 East 45 Street, New York, New York, 10017.

(C) The following guides and handbooks are recommended:

(i) ASHRAE Handbook of Fundamentals, published by the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47 Street, New York, New York, 10017.

(ii) The IES Lighting Handbook, published by the Illuminating Engineering Society, 345 East 47th Street, New York, New York, 10017.

(D) The facility shall conform to all state laws and local codes and ordinances. When such laws, codes, and ordinances are more stringent than these standards or than the codes, guides, and manuals specified in Subsection (a)(2), the more stringent requirement shall govern. Should state laws or local codes or ordinances be in conflict with the requirements of these standards or with any of the codes, guides, and manuals specified in Subsection (a)(2), the licensing agency shall be so informed so that these conflicts may be legally resolved.

(3) Separation from other occupancies.

(A) A common wall between a personal care home and another occupancy shall be not less than a two-hour noncombustible fire-rated partition. (Definition of such a partition is in accordance with National Fire Protection Association Standards.)

(B) A personal care home with a fire exposure from another structure less than 20 feet away may require certain protective construction as determined or approved by the licensing agency.

(C) A licensed nursing home, licensed custodial care home, or licensed hospital is not considered another occupancy for the purpose of paragraph (A) above.

(4) Mobile homes or trailers. Mobile homes or trailers are prohibited.

(5) Facility location.

(A) The facility shall be located so as to promote at all times the health, treatment, comfort, safety, and well-being of the residents.

(B) The facility shall be located within five minutes service time from a paid or volunteer fire fighting unit approved by the Licensing Agency and be served by an adequate supply of water for fire fighting purposes as approved by the licensing agency. Should the fire fighting unit response time not be within five minutes or should the water supply be insufficient, the facility shall have an early automatic fire detection system as approved by the licensing agency.

(b) Personal safety and comfort.

(1) All stairways shall have substantial hand rails.

(2) Tubs and showers shall have non-slip bottoms or floor surfaces, or furnishings shall be provided to satisfy this requirement.

(3) Provisions for physically handicapped.

(A) Though some Type C personal care homes may not house physically handicapped residents, the facility shall have provisions for persons in wheelchairs to ingress to and egress from the principal living room. Ramps used for this purpose shall have slopes not exceeding 1:12.

(B) For those facilities housing physically handicapped residents the following shall be provided:

(i) All outside doors used by such residents and all required exits for such residents shall be provided with safe porches and ramps, suitable for wheelchair use.

(ii) Means of wheelchair travel shall be provided from such a resident's automobile to the inside of the facility.

(iii) All ramps used in wheelchair travel shall not exceed a slope of 1:12.

(iv) Toilets and lavatories shall be located and equipped for functional use of the physically handicapped.

(v) Room arrangements and furniture placement shall take into consideration the need of the physically handicapped.

(vi) Other appointments, equipment, and details shall be provided commensurate with the needs of any special type of physically handicapped resident cared for.

(4) Portable fire extinguishers. Same as that for Personal Care Homes-Type A.

(5) Resident use hot water. Same as that for Personal Care Homes-Type A.

(6) Heating devices. Same as that for Personal Care Homes-Type A.

(7) Smoking regulations. Same as that for Personal Care Homes-Type A.

(8) Heating system. Same as that for Personal Care Homes-Type A.

(9) Cooling. Same as that for Personal Care Homes-Type A.

(10) Ventilation. Same as that for Personal Care Homes-Type A.

(11) Storage. Same as that for Personal Care Homes-Type A.

(12) Illumination. Same as that for Personal Care Homes-Type A.

(13) Emergency lighting shall be installed as required in the Life Safety Code.

(14) Evacuation plan. Same as that for Personal Care Homes-Type A.

(15) Fire lanes. Same as that for Personal Care Homes-Type A.

(16) Telephone. Same as that for Personal Care Homes-Type A.

(17) Waste and storage containers. Same as that for Personal Care Homes-Type A.

(18) Undesirable occupancies. Same as that for Personal Care Homes-Type A.

(19) Gas system test. Same as that for Personal Care Homes-Type A.

(20) Elevators. Same as that for Personal Care Homes-Type A.

(21) General fire safety. Same as that for Personal Care Homes-Type A.

(22) Call system.

(A) There shall be an electric call system which registers at the attendant station and for nighttime hours in the sleeping quarters of the attendant available on call.

(B) The call system shall provide easy activation from each resident bed, each resident water closet, and each resident tub and shower.

(C) The system shall provide for both visual and audible call registering at a conveniently located panel. A visual signal light outside a resident's door and at general bathroom locations is recommended.

(c) Sanitary environment. All requirements for sanitary environment are the same as those for Personal Care Homes-Type A.

(d) Accommodations.

(1) Resident bedrooms. Same as that for Personal Care Homes-Type A.

(2) Resident toilet and bathing facilities. Same as that for Personal Care Homes-Type A.

(3) Recreation, living, and dayroom. Same as that for Personal Care Homes-Type A.

(4) Miscellaneous.

(A) The facility shall provide access to regularly scheduled public transportation where desirable by the resident to meet his transportation needs or provide some type of regular type of transportation to meet those needs.

(B) The facility shall provide adequate parking space for private vehicles of those residents having vehicles. The parking shall be arranged conveniently for the resident. See also subsection (b)(3).

(e) Care and services.

(1) Personnel.

(A) Eligibility for licensure. Same as that for Personal Care Homes-Type A.

(B) Governing body. Same as that for Personal Care Homes-Type A.

(C) Administrative management.

(i) Full-time operator. Same as that for Personal Care Homes-Type A.

(ii) Age, physical, and mental requirements for operator. Same as that for Personal Care Homes-Type A.

(iii) The operator shall have graduated from an accredited high school or hold a certificate of equivalency of graduation from an accredited high school. It is desirable for the operator to have completed courses in administration and special courses in the care of the physically or mentally handicapped.

(iv) Operator's responsibilities. Same as that for Personal Care Homes-Type A.

(v) Absence of operator. Same as that for Personal Care Homes-Type A.

(vi) Operator and governing body. Same as that for Personal Care Homes-Type A.

(D) Staffing. Same as that for Personal Care Homes-Type A.

(2) Operational policies and admissions.

(A) Operational policies. Same as that for Personal Care Homes-Type A.

(B) Admission policy. Same as that for Personal Care Homes-Type A.

(3) Administration of protective services.

(A) Medications.

(i) In the event it becomes necessary for the staff of the personal care home to accept responsibility for insuring that self administered medications are in fact taken by the resident in accordance with instructions given by the treating physician, then the personal care home must establish and carry out proper safeguards to the residents of the home. For those residents requiring the home to accept that responsibility, all such medications shall be kept in a central medications cabinet and or refrigerator under lock and key. Also, if medications must be safeguarded against unauthorized access by residents, such medications shall be kept in a central medicine cabinet and/or refrigerator under lock and key.

(ii) For any resident who meets all the criteria for admission to or retention in the facility but who: (a) must have more assistance in the administration of his medication than that described in paragraph (i) above, or (b) requires a person other than himself to directly administer a medication, the medication shall be handled and or administered by not less than a medication aide who is an adult, responsible person, has completed a medication administration course commensurate with a state-powered medication administration course required under Medicare-Medicaid long-term care programs, and administers such medication under the supervision of a licensed nurse.

(iii) Medications handled or administered under the provisions of paragraph (i) above must be safeguarded as called for in paragraph (i) above and must be recorded in a resident's clinical record. Written plans must be developed and carried out to provide confidentiality of records and medical information.

(iv) Medications which must be safeguarded as called for in paragraph (i) above must be located in a space that is well-lighted and temperature-controlled. Each resident's medications so safeguarded must be arranged in separate cubicles, spaces, or containers.

(v) A separate record must be maintained for each drug covered by Schedules II, III, and IV of the Controlled Substances Act of 1970. The record for each drug must contain the prescription number, name and

strength of drug, date, time administered, name of resident, dose, physician's name, signature of person administering dose, and balance verifiable by drug inventory.

(vi) Unprescribed legend pharmaceuticals shall not be maintained in a personal care home.

(B) Accident, injury, or acute illness. Same as that for Personal Care Homes-Type A.

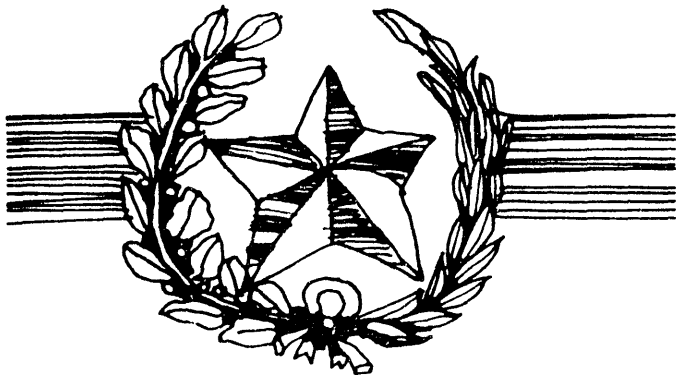
(C) Personal belongings and finances. Same as that for Personal Care Homes-Type A.

(D) Hygienic, grooming, or other services. Same as that for Personal Care Homes-Type A.

(4) Dietary services. Same as that for Personal Care Homes-Type A.

(5) Humane treatment and civil rights. Same as that for Personal Care Homes-Type A.

Doc No 772016



Food and Drug

Rules on Food Service Sanitation 301.73.11

The Texas Department of Health Resources proposes to adopt rules establishing sanitation standards for food service operations, food service personnel, food service equipment and utensils, sanitary facilities and controls, and other facilities; regulating the inspection of such establishments; and providing for the examination and condemnation of food. Recent studies have shown that food-borne illnesses and disease outbreaks have become a major health problem. The purpose of these rules, therefore, is to reduce the frequency of such outbreaks and enable the department to protect more effectively the consumer from adulterated and unsanitary food.

Copies of the proposed rules are available for public inspection at the following addresses:

Texas Department of Health Resources
Division of Food and Drugs
1100 West 49th Street, Room T-601
Austin, Texas 78756

T.D.H.R. Public Health Region 1
Old Health Center Building, W.T.S.U.
Canyon, Texas 79016

T.D.H.R. Public Health Region 2
3411 Knoxville, Suite 100
Lubbock, Texas 79413

T.D.H.R. Public Health Region 3
5308 El Paso Drive
El Paso, Texas 79997

T.D.H.R. Public Health Region 4
Old Courthouse, Second Floor
Abilene, Texas 79602

T.D.H.R. Public Health Region 5
701 Directors Drive
Arlington, Texas 76011

T.D.H.R. Public Health Region 6
2401 South 31st Street
Temple, Texas 76501

T.D.H.R. Public Health Region 7
1517 West Front Street
Temple, Texas 75701

T.D.H.R. Public Health Region 8
301 South 9th, Suite 107
Richmond, Texas 77469

T.D.H.R. Region 8 Suboffice
3317 Montrose, Room 332
Houston, Texas 77006

T.D.H.R. Public Health Region 9
Old Memorial Hospital Building
Uvalde, Texas 78801

T.D.H.R. Region 9 Suboffice
2303 S.E. Military Dr., Building 508
San Antonio, Texas 78223

T.D.H.R. Public Health Region 10
500 South Rangerville Road
Harlingen, Texas 78550

Public hearings will be conducted in the following cities on the dates at the time and location indicated:

1. 10:30 a.m., Thursday, June 2, 1977, City Council Chambers, 317 West College Street, Grand Prairie.
2. 10:30 a.m., Tuesday, June 7, 1977, Courtroom, Old County Courthouse, Oak and Third Streets, Abilene.
3. 10:30 a.m., Thursday, June 9, 1977, Auditorium, Houston City Department of Health, 1115 North MacGregor, Houston.

4. 10:30 a.m., Tuesday, June 14, 1977, Auditorium, Corpus Christi-Nueces County Department of Health and Welfare, 1702 Horne Road, Corpus Christi.

5. 10:30 a.m., Thursday, June 16, 1977, Auditorium, Texas Department of Health Resources, 1100 West 49th Street, Austin.

At these hearings, all interested persons may appear and will have reasonable opportunity to submit verbal or written data, views, or arguments on the proposed rules.

Written comments on the proposed rules may also be submitted directly to the Texas Department of Health Resources no later than 30 days after the proposed rules are published in the *Texas Register*. Such written comments should be addressed to James M. Doughty, Jr., Director, Division of Food and Drugs, Texas Department of Health Resources, 1100 West 49th Street, Room T601, Austin, Texas 78756.

Because of the length of these rules, they have been published in two parts. Appearing in this issue is the second installment. The first part of the rules was published in the April 29, 1977, issue of the *Register* (Volume 2, Number 34).

These rules are being proposed pursuant to Article 4476-5, Texas Revised Civil Statutes.

.006. *Cleaning, Sanitization, and Storage of Equipment and Utensils.*

(a) Equipment and utensil cleaning and sanitization.

(1) Cleaning frequency.

(A) Tableware shall be washed, rinsed, and sanitized after each use.

(B) To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(C) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.

(D) The food-contact surfaces of grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot-oil cooking equipment and hot-oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil.

(E) Nonfood-contact surfaces of equipment shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

(2) Wiping cloths.

(A) Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry, and used for no other purposes.

(B) Moist cloths or sponges used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be cleaned and rinsed frequently in one of the sanitizing solutions permitted in paragraph (3)(E)(i) through (vii) of subsection (a) of this rule, and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

(C) Moist cloths or sponges used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed as specified in paragraph (2)(B) of subsection (a) of this rule, and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

(3) Manual cleaning and sanitizing.

(A) A three-compartment sink shall be used if washing, rinsing, and sanitizing of utensils and equipment is done manually; provided that existing establishments not having a three-compartment sink that can demonstrate an acceptable procedure for washing, rinsing, and sanitizing utensils and equipment may be exempt from this requirement by the regulatory authority. Sinks shall be large enough to permit the complete immersion of the utensils and equipment, and each compartment sink shall be supplied with hot and cold potable running water. A two-compartment sink will be acceptable where only single-service tableware is used. Suitable equipment shall be made available if washing, rinsing, and sanitizing cannot be accomplished by immersion.

(B) Drain boards or easily movable dish-tables of adequate size shall be provided for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing and shall be located so as not to interfere with the proper use of the dishwashing facilities.

(C) Equipment and utensils shall be preflushed and prescraped and, when necessary, presoaked to remove gross food particles and soil.

(D) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

(i) sinks shall be cleaned prior to use;

(ii) equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean;

(iii) equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and

(iv) equipment and utensils shall be sanitized in the third compartment according to one of the methods included in paragraphs (3)(E)(i) through (vii) of subsection (a) of this rule.

(E) The food-contact surfaces of all equipment and utensils shall be sanitized by:

(i) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit;

(ii) immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and a temperature of at least 75 degrees Fahrenheit;

(iii) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit;

(iv) immersion for at least one minute in a clean solution containing chlorine and bromine made up at a strength of 25 parts per million total available halogen at a temperature of not less than 75 degrees Fahrenheit, and not to be used after its strength has been reduced below 12.5 parts per million;

(v) immersion in a solution containing an approved quaternary ammonium compound (Q.A.C.) at a strength and for a period of time as stated on the product's officially approved label. Quaternary ammonium compounds refers to products approved and registered with the U.S. Environmental Protection Agency;

(vi) immersion in a solution containing acid sanitizer compounds at a strength and for a period of time as stated on the product's officially approved label. Acid sanitizer compounds refers to products approved and registered with the U.S. Environmental Protection Agency;

(vii) immersion in a clean solution containing any other chemical sanitizing agent approved by the Texas Board of Health Resources that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit for one minute;

(viii) treatment with steam free from harmful materials or additives in the case of equipment too large to sanitize by immersion, but in which steam can be confined;

(ix) rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under paragraph (3)(E)(vii) of subsection (a) of this rule, in the case of equipment too large to sanitize by immersion.

(F) When hot water is used for sanitizing, the following facilities shall be provided and used:

(i) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit;

(ii) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit, convenient to the sink for frequent checks of water temperatures; and

(iii) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(G) When chemicals are used for sanitization, a test kit or other device that accurately measures the parts-per-million concentration of the solution shall be provided and used.

(4) Mechanical cleaning and sanitizing.

(A) Cleaning and sanitizing may be done by spray-type or immersion dishwashing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils. These machines and devices shall be properly installed and maintained in good repair. Machines and devices shall be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine shall be exposed to all dishwashing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors, if any, shall be properly installed and maintained.

(B) The pressure of final rinse water supplied to spray-type dishwashing machines shall not be less than 15 nor more than 25 pounds per square inch measured in the water line immediately adjacent to the final rinse control valve. A one-quarter-inch IPS valve shall be provided immediately upstream from the final rinse control valve to permit checking the flow pressure of the final rinse water.

(C) Machine- or water-line-mounted numerically scaled indicating thermometers accurate to plus or minus three degrees Fahrenheit shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(D) Rinse water tanks shall be protected by baffles, curtains, or other effective means to minimize the entry of wash water into the rinse water. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles in accordance with manufacturers' specifications attached to the machine.

(E) Drain boards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily mova-

ble dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

(F) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

(G) Machines (single-tank, stationary-rack, door-type machines and spray-type glass washers) using chemicals for sanitization may be used provided that:

(i) the temperature of the wash water shall not be less than 120 degrees Fahrenheit;

(ii) the wash water shall be kept clean;

(iii) chemicals added for sanitization purposes shall be automatically dispensed;

(iv) utensils and equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturers' specifications for time and concentration;

(v) the chemical sanitizing rinse water temperature shall be not less than 75 degrees Fahrenheit nor less than the temperature specified by the machine's manufacturer; and

(vi) chemical sanitizers used shall be approved and a test kit or other device that accurately measures the parts-per-million concentration of the solution shall be available and used.

(H) Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the Fahrenheit temperatures stated below:

(i) single-tank, stationary-rack, dual-temperature machine: wash temperature, 150 degrees; final rinse temperature, 180 degrees;

(ii) single-tank, stationary-rack, single-temperature machine: wash temperature, 165 degrees; final rinse temperature, 165 degrees;

(iii) single-tank, conveyor machine: wash temperature, 160 degrees; final rinse temperature, 180 degrees;

(iv) multi-tank, conveyor machine: wash temperature, 150 degrees; pumped rinse temperature, 160 degrees; final rinse temperature, 180 degrees;

(v) single-tank pot, pan, and utensil washer (either stationary or moving-rack): wash temperature, 140 degrees; final rinse temperature, 180 degrees.

(I) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(5) **Drying.** After sanitization, all equipment and utensils shall be air dried.

(b) **Equipment and utensil storage.**

(1) **Handling.** Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates, and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

(2) **Storage.**

(A) Cleaned and sanitized utensils and equipment shall be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer lines and water lines, except for automatic fire protection sprinkler heads that may be required by law.

(B) Utensils shall be air dried before being stored or shall be stored in a self-draining position.

(C) Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons shall be designed and used to present the handle to the employee or consumer. Unless tableware is prewrapped, holders for knives, forks, and spoons at self-service locations shall protect these articles from contamination and present the handle of the utensil to the consumer.

(D) If presetting is practiced, all unprotected, unused, preset tableware shall be collected for washing and sanitizing after the meal period and after any place at a table or counter is occupied.

(3) **Single-service articles.**

(A) Single-service articles shall be stored at least six inches above the floor in closed cartons or containers which protect them from contamination and shall not be placed under exposed sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by law.

(B) Single-service articles shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food or with the mouth of the user.

(C) Single-service knives, forks, and spoons packaged in bulk shall be inserted into holders or be wrapped by an employee who has washed his hands immediately prior to sorting or wrapping the utensils. Unless single-service knives, forks, and spoons are prewrapped or prepackaged, holders shall be provided to protect these items from contamination and present the handle of the utensil to the consumer.

(4) **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

.007. Sanitary Facilities and Controls.

(a) Water supply.

(1) General. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to law.

(2) Transportation. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed-water system. Both of these systems shall be constructed and operated according to law.

(3) Bottled water. Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(4) Water under pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(5) Steam. Steam used in contact with food or food-contact surfaces shall be free from any harmful materials or additives.

(b) Sewage. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed and operated according to law. Non-water-carried sewage disposal facilities are prohibited, except as permitted by Rule .010 (pertaining to temporary food service establishments), or as permitted by the regulatory authority in remote areas or because of special situations.

(c) Plumbing.

(1) General. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

(2) Nonpotable water system. A nonpotable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food, or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) Backflow. The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood-level rim. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(4) Grease traps. If used, grease traps shall be located to be easily accessible for cleaning.

(5) Garbage grinders. If used, garbage grinders shall be installed and maintained according to law.

(6) Drains. Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed. When a dishwashing machine is located within five feet of a trapped floor drain, the dishwasher waste outlet may be connected directly on the inlet side of a properly vented floor drain trap if permitted by law.

(d) Toilet facilities.

(1) Toilet installation. Toilet facilities shall be installed according to law, shall be the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

(2) Toilet design. Toilets and urinals shall be designed to be easily cleanable.

(3) Toilet rooms. Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning and maintenance.

(4) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

(e) Lavatory facilities.

(1) Lavatory installation. Lavatories shall be at least the number required by law, shall be installed according to law, and shall be located to permit convenient use by all employees in food preparation areas and utensil-washing areas. Lavatories shall be accessible to employees at all times. Lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

(2) Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

(3) Lavatory supplies. A supply of hand-cleaning soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

(4) Lavatory maintenance. Lavatories, soap dispensers, hand-drying devices, and all related fixtures shall be kept clean and in good repair.

(f) Garbage and refuse.

(1) Containers.

(A) Garbage and refuse shall be kept in durable, easily cleanable, insect-proof, and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

(B) Containers used in food preparation and utensil-washing areas shall be kept covered after they are filled.

(C) Containers stored outside the establishment, and dumpsters, compactors, and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times except during cleaning.

(D) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(E) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(2) Storage.

(A) Garbage and refuse on the premises shall be stored in a manner to make it inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse is prohibited. Cardboard or other packaging materials not containing garbage or food wastes need not be stored in covered containers.

(B) Garage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect-proof and rodent-proof, and shall be large enough to store the garbage and refuse containers that accumulate.

(C) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters, and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

(3) Disposal.

(A) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(B) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration that prevents the escape of particulate matter in accordance with law. Areas around incineration facilities shall be kept clean and orderly.

(g) Insect and rodent control.

(1) General. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall not be less than 16-mesh to the inch.

.008. Construction and Maintenance of Physical Facilities.

(a) Floors.

(1) Floor construction. Floors and floor coverings of all food-preparation, food-storage, and utensil-washing areas, and the floors of all walk-in refrigerating units, dressing rooms, locker rooms, toilet rooms, and vestibules shall be constructed of smooth durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic, and shall be maintained in good repair. Nothing in this rule shall prohibit the use of antislip floor covering in areas where necessary for safety reasons.

(2) Floor carpeting. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting is prohibited in food preparation, equipment-washing and utensil-washing areas where it would be exposed to large amounts of grease and water, in food storage areas, and toilet room areas where urinals or toilet fixtures are located.

(3) Prohibited floor covering. The use of sawdust, wood shavings, peanut hulls, or similar material as a floor covering is prohibited.

(4) Floor drains. Properly installed, trapped floor drains shall be provided in floors that are water flushed for cleaning or that receive discharges of water or other fluid waste from equipment, or in areas where pressure spray methods for cleaning equipment are used. Such floors shall be constructed only of sealed concrete, terrazzo, ceramic tile, or similar materials, and shall be graded to drain.

(5) Mats and duckboards. Mats and duckboards shall be of nonabsorbent, grease-resistant

materials and of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be used as storage racks.

(6) Floor junctures. In all new or extensively remodeled establishments utilizing concrete, terrazzo, ceramic tile, or similar flooring materials, and where water flush cleaning methods are used, the junctures between walls and floors shall be covered and sealed. In all other cases, the juncture between walls and floors shall not present an open seam of more than 1/32 inch.

(7) Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility lines and pipes on the floor is prohibited.

(b) Walls and ceilings.

(1) Maintenance. Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

(2) Construction. The walls, including nonsupporting partitions, wall coverings, and ceilings of walk-in refrigerating units, food-preparation areas, food-storage areas, equipment-washing and utensil washing areas, toilet rooms, and vestibules shall be light-colored, smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.

(3) Exposed construction. Studs, joists, and rafters shall not be exposed in those areas listed in paragraph (2) of subsection (b) of this rule. If exposed in other rooms or areas, they shall be finished to provide an easily cleanable surface.

(4) Utility line installation. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in paragraph (2) of subsection (b) of this rule.

(5) Attachments. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

(6) Covering material installation. Wall and ceiling covering materials shall be attached and sealed so as to be easily cleanable.

(c) Cleaning physical facilities.

(1) General. Cleaning of floors and walls, except emergency cleaning of floors, shall be done during periods when the least amount of food is exposed, such as after closing or between meals. Floor, mats, duckboards, walls, ceiling, and attached equipment and decorative materials shall be kept clean. Only dustless methods of cleaning floors and walls shall be used, such as vacuum cleaning, wet cleaning, or the use of dust-arresting sweeping compounds with brooms.

(2) Utility facility. In new or extensively remodeled establishments, at least one utility sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor-cleaning tools and for the disposal of mop water or similar liquid wastes. The use of lavatories, utensil-washing, equipment-washing, or food-preparation sinks for this purpose is prohibited.

(d) Lighting.

(1) General. At least 50 foot-candles of light shall be provided to all working surfaces and at least 30 foot-candles of light shall be provided to all other surfaces and equipment in food-preparation, utensil-washing, and handwashing areas, and in toilet rooms. At least 20 foot-candles of light at a distance of 30 inches from the floor shall be provided in all other areas, except that this requirement applies to dining areas only during cleaning operations.

(2) Protective shielding.

(A) Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

(B) Infra-red or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(e) Ventilation.

(1) General. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create an unsightly, harmful, or unlawful discharge.

(2) Special ventilation.

(A) Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

(B) In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors, or fumes originate shall be mechanically vented to the outside.

(f) Dressing rooms and locker areas.

(1) Dressing rooms and areas. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, storage, or service, or for utensil-washing or storage.

(2) Locker area. Enough lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or in food-storage

rooms or areas containing only completely packaged food or packaged single-service articles.

(g) Poisonous or toxic materials.

(1) Materials permitted. Only those poisonous or toxic materials necessary for the maintenance of the establishment, the cleaning and sanitization of equipment and utensils, and the control of insects and rodents shall be present in food service establishments.

(2) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents.

(3) Storage of materials. Poisonous or toxic materials consist of the following three categories:

(A) insecticides and rodenticides;

(B) detergents, sanitizers, and related cleaning or drying agents;

(C) caustics, acids, polishes, and other chemicals.

Each of these categories shall be stored and located to be physically separated from each other. All poisonous or toxic materials shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose. To preclude potential contamination, poisonous or toxic materials shall not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergent or sanitizers at utensil or dishwashing stations.

(4) Use of materials.

(A) Bactericides, cleaning compounds or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.

(B) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way that constitutes a hazard to employees or other persons, nor in a way other than in full compliance with the manufacturer's labeling.

(5) Personal medications. Personal medications shall not be stored in food storage, preparation, or service areas.

(6) First aid supplies. First aid supplies shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

(h) Premises.

(1) General.

(A) Food service establishments and all parts of the property used in connection with operations of the establishments shall be kept free of litter.

(B) The walking and driving surfaces of all exterior areas of food service establishments shall be surfaced with concrete or asphalt, or with gravel or similar material effectively treated to facilitate maintenance and to minimize dust. These surfaces shall be graded to prevent pooling and kept free of litter.

(C) Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises.

(D) The traffic of unnecessary persons through the food preparation and utensil-washing areas is prohibited.

(2) Living areas. No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food service operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

(3) Laundry facilities.

(A) Laundry facilities in a food service establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

(B) Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

(4) Linens and clothes storage.

(A) Clean clothes and linens shall be stored in a clean place and protected from contamination until used.

(B) Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags until removed for laundering.

(5) Cleaning equipment storage. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

(6) Animals. Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from immediately adjacent areas under the control of the food service establishment. This exclusion does not apply to edible fish, crustacea, shellfish, or to fish in aquariums. Patrol dogs accompanying security or police officers or guide dogs accompanying blind persons shall be permitted in dining areas.

.009. *Mobile Food Units.*

(a) Mobile food service.

(1) General. Mobile food units shall comply with the requirements of these rules, except as otherwise provided in this paragraph and in paragraph (2) of subsection (a) of this rule. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food, and,

when no health hazard will result, may waive or modify requirements of this rule relating to physical facilities, except those requirements in this rule of paragraphs (4) and (5) of subsection (a); paragraph (1) of subsection (b); and paragraphs (1) and (2) of subsection (c).

(2) **Restricted operation.** Mobile food units that serve only food that is prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of these rules, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of these rules pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at its commissary.

(3) **Single-service articles.** Mobile food units shall provide only single-service articles for use by the consumer.

(4) **Water system.** A mobile unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, in accordance with the requirements of these rules. The water inlet shall be located in such a position that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped when not being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes of tubing shall be constructed and installed in accordance with the requirements of these rules.

(5) **Waste retention.** If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

(b) **Commissary.**

(1) **Base of operations.**

(A) Mobile food units shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

(B) The commissary or other fixed food service establishment, used as a base of operation for mobile food units, shall be constructed and operated in compliance with the requirements of these rules.

(c) **Servicing area and operations.**

(1) **Servicing area.**

(A) A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed on the mobile food unit or where mobile food units do not contain waste retention tanks.

(B) The surface of the servicing area shall be constructed of a smooth, non-absorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

(C) The construction of the walls and ceilings of the servicing area is exempted from the provisions of subsection (b) of Rule .008.

(2) **Servicing operations.**

(A) Potable water-servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination.

(B) The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with subsection (b) of Rule .007.

.010. Temporary Food Service Establishments.

(a) **General.** A temporary food service establishment shall comply with the requirements of these rules except as otherwise provided in this rule. The regulatory authority may impose additional requirements to protect against health hazards related to the conduct of the temporary food service establishment, may prohibit the sale of some or all potentially hazardous foods, and, when no health hazard will result, may waive or modify requirements of these rules.

(b) **Restricted operations.**

(1) These provisions are applicable whenever a temporary food service establishment is permitted, under the provisions of subsection (a) of this rule, to operate without complying with all the requirements of this rule.

(2) Only those potentially hazardous foods requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other potentially hazardous foods, including pastries filled with cream or synthetic cream, custards and similar products, and salads or sandwiches containing meat, poultry, eggs, or fish is prohibited. This prohibition does not apply, however, to any potentially hazar-

dous food that has been prepared and packaged under conditions meeting the requirements of these rules, is obtained in individual servings, is stored at a temperature of 45 degrees Fahrenheit or below, or at a temperature 140 degrees Fahrenheit or above, in facilities that meet the requirements of these rules, and is served directly in the unopened container in which it was packaged.

(c) Ice. Ice that is consumed or that contacts food shall have been made under conditions meeting the requirements of these rules. The ice shall be obtained only in chipped, crushed, or cubed form and in single-use, safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice shall be held in these bags until it is dispensed in a way that protects it from contamination.

(d) Equipment.

(1) Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

(2) Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Where helpful to prevent contamination, effective shields for such equipment shall be provided.

(e) Single-service articles. All temporary food service establishments which do not have effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

(f) Water. Enough potable water shall be available in the establishment for food preparation, for cleaning and sanitizing utensils and equipment, and for handwashing. A heating facility located on the premises and capable of producing enough hot water for these purposes shall be provided.

(g) Wet storage. The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

(h) Waste. All sewage, including liquid waste, shall be disposed of according to law.

(i) Handwashing. A convenient handwashing facility shall be available for employee handwashing. This facility shall consist of at least warm running water, soap, and individual paper towels.

(j) Floors. Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

(k) Walls and ceilings of food preparation areas.

(1) Ceilings shall be made of wood, canvas, or other materials that protect the interior of the establishment from the weather. Walls and ceilings of food

preparation areas shall be constructed in a way that prevents the entrance of insects. Doors to food preparation areas shall be solid or screened and shall be self-closing. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch.

(2) Counter-service openings shall not be larger than is necessary for the particular operation conducted. These openings shall be provided with tight-fitting solid or screened doors or windows or shall be provided with fans installed and operated to restrict the entrance of flying insects. Counter-service openings shall be kept closed, except when in actual use.

.011. *Inspection and Enforcement.*

(a) Access. Agents of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time, for the purpose of making inspections to determine compliance with these rules. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

(b) Report of inspections. Whenever an inspection is made of a food service establishment, the findings shall be recorded on the inspection report form provided for that purpose. The original of the inspection report form shall be furnished to the owner or person in charge at the completion of the inspection and constitutes a written notice. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point value for all violations, subtracted from 100. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(c) Correction of violations. The inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(1) If an imminent health hazard exists, such as complete lack of sanitization, refrigeration, or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.

(2) All violations of four- or five-point weighted items shall be corrected within a time specified by the health authority, but in any event, not to exceed 10 days. A follow-up inspection shall be conducted to confirm correction.

(3) All one- or two-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(4) When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections shall be conducted at reasonable time intervals to assure correction.

(5) In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.

(d) Examination and condemnation of food. The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of these rules. The regulatory authority shall, upon written notice to the owner or person in charge specifying the reason therefor, place under detention any food which it has probable cause to believe is adulterated or misbranded in accordance with the provisions of Section 6, and paragraph (2) of Section 21, Article 4476-5, Vernon's Texas Civil Statutes, the Texas Food, Drug, and Cosmetic Act.

(e) Procedure when infection is suspected. When the regulatory authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:

(1) the immediate exclusion of the employee from all food service establishments.

(2) the immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists;

(3) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

(4) adequate medical and laboratory examination of the employee, of other employees, and of his and their body discharges.

(f) Penalties. Penalties for violation of these rules shall be imposed as provided in Section 5, Article 4476-5, Vernon's Texas Civil Statutes, the Texas Food, Drug, and Cosmetic Act.

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

Doc No 772017 Raymond T. Moore, M.D.
Deputy Director
Texas Department of Health
Resources

Proposed Date of Adoption after July board meeting

For further information please call (512) 475-2950



State Department of Public Welfare

AFDC

Support Documents 326.10.99

The Department of Public Welfare (DPW) proposes to amend the non caretaker case part of its rule about standard budgetary allowances in the Aid to Families with Dependent Children (AFDC) Program. DPW provides financial assistance in the form of monthly grants to families with needy children who meet eligibility requirements.

There are caretaker and non-caretaker AFDC grant amounts. If the individual who applies for the children as the designated relative qualifies as caretaker, his or her needs are included in the grant as a caretaker case. If there is no qualified caretaker, only the needs of the eligible children can be included in the AFDC certified group budget, and it is considered a non caretaker case.

Currently Texas pays less per child in non-caretaker cases than in caretaker cases. As a result of a U.S. Supreme Court decision, states are now required to budget the same amount of payment per child in both non-caretaker and caretaker cases. Accordingly, with this amendment, the single figure needs allowance for non-caretaker cases is raised to the level of that for caretaker cases.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau- 171, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

.601. *Standard Budgetary Allowances.* The needs allowance for each size family group for AFDC is as follows:

Non-Caretaker Cases

Family Size	Recognizable Needs (75%)	
1	\$ 24.00	
2	\$ 54.00	[46.50]
3	78.00	[67.50]
4	101.25	[88.50]
5	122.25	[109.50]
6	142.50	[130.50]
7	162.75	[151.50]
8	182.25	[172.50]
9	202.50	[193.50]
10	222.75	[214.50]
11	246.75	[235.50]
12	267.00	[256.50]
13	289.50	[277.50]
14	310.50	[298.50]

Doc. No 772047

Food Stamps

Definition of Income 326.15.41

The Department of Public Welfare proposes to amend Sections (a) through (d) of the following rule about shelter costs in the Food Stamp Program. Income eligibility standards are used to determine the eligibility of non-public assistance households, based on the net monthly food stamp income of the household. The net food stamp income is computed by adding together non-excluded income for all household members and then subtracting the allowable deductions.

The following rule defines which shelter expenses are allowable income deductions. This amendment clarifies that allowable shelter costs include rent, mortgages, liens, ongoing utilities, basic telephone, taxes, assessments, and insurance. Other housing expenses, such as closing costs, deposits, hook-ups, home improvement or maintenance, are allowable shelter costs only if they are included in the mortgage payment. This amendment is the result of United States Department of Agriculture (USDA) policy interpretations

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 223, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

.030. *Shelter Costs.*

(a) Shelter costs *exceeding* [which exceed] 30 percent of *net* [the household's] income after all other deductions have been made *are* [may be] deducted. *This deduction applies only to the shelter currently occupied by the household, except as provided in Rule 326.15.41.028.*

(b) *Allowable* shelter costs *include* [are defined as]:

(1) Rent, *mortgage*, [and mortgages (including second mortgages) or] payments, *or liens*, [including interest, leading to ownership of shelter occupied by the household. Additions to the existing home are allowed shelter expenses.]

(2) [Also included are] Property taxes, state and local assessments, and insurance on the *shelter* [structure] itself *but not on the contents of the shelter*. [The cost to insure furniture or personal belongings is not allowed; however,] If the insurance [policy] does not separate *coverage on the shelter from coverage on the* [structure and] contents [costs], the entire premium *is* [will be] allowed *as a shelter cost*.

(3) *Ongoing* payments *(including taxes)* for heating *or* cooking fuel, electricity, water, sewer, garbage, and trash collection *if paid separately from (1) above* [fees].

(4) [and] The basic service, *including tax*, for one *plain* black telephone [are also included].

(5) *Any of* the above [expenses will also be included as shelter costs] when paid by vendor payments *or included as* [employer provided] in-kind shelter *paid in lieu of* [included as] income.

(c) *Yearly payments or payments made on other than a monthly basis may be allowed in the month they are paid or may be prorated over the certification period.* [Allowable shelter costs, including special assessments, yearly property taxes, and pre-paid shelter expenses shall be averaged over the certification period or considered in the month in which the expense is or will be paid. Examples of this procedure follow.

(1) A household which is certified for the month in which it has paid its yearly property taxes, or other yearly or one-time shelter expenses, shall be allowed the total payment as a shelter expense for that month or have the total payment averaged over the certification period.

(2) Households which have paid their yearly property taxes, or other yearly or one-time shelter expenses, prior to the month of application shall not be allowed those expenses.

(3) Households which owe yearly or one-time shelter expenses and anticipate paying them in the certification period being considered shall be allowed these expenses for the certification period. The worker should explore the household's past record of making these payments in this situation.

(d) *Shelter costs do not include* (included as shelter costs are utility deposits, telephone deposits,:

(1) *Rental or damage* (or advance) deposits, *down payments, closing costs, construction, building materials,* (on rental property, and) repairs, *remodeling, purchase, or installation of appliances or plumbing, additions to the shelter, or similar costs, unless such payments are included as part of the mortgage of lien payment,* (or replacement of any appliances or portion of the home due to wear and tear or mechanical problems. The down payment on a home, including expenses incidental to its acquisition, such as legal fees and closing costs, are not considered shelter expenses.)

(2) *Deposits, hook-up fees, installation charges, butane tanks, water wells, or similar costs for utilities or telephones.*

(3) *Any cost paid prior to the beginning of the certification period or not anticipated to be paid at some time during the certification period.*

Doc No 772063

Food Stamps

Returned Food Coupons 326.15.75.001, .003, .006-.007

The Department of Public Welfare proposes to amend its rules about returned food coupons in the Food Stamp Program. Properly issued, unused food coupons may be returned to the certification office for a cash refund. The following amendments revise and reorganize procedures to be followed when unused food coupons are returned to the certification office. With these amendments, all unused food coupons returned to the certification office must be accompanied by a written statement from the claimant. This statement will either request or waive a refund.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 130, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Civil Statutes.

.001. *When Allowed.*

(a) Properly issued unused food *coupons* (stamps) may be returned to the certification office for a cash refund. The amount of the refund is based on the ratio of the household's purchase price to the allotment received when the coupons were issued.

(b) The issuing office will not redeem coupon books for cash once they have been issued.

(c) *When unused coupons are returned, the claimant must submit to the certification office a written request for a cash refund or a written statement that no refund is requested. The request or statement must be written in ink, signed, dated, and include the claimant's address in addition to specific details as required under Rules 326.15.75.005-.006.*

.003. *Certification Office Procedure.*

(a) When food coupons are returned, certification office *staff* (personnel) will:

(1) *obtain the written request or statement from the claimant, as required;*

(2) prepare an itemized *list* (statement, original and three copies,) of the returned food coupons (which will include the serial numbers of books and the denomination and value of coupons in each book). The *claimant* (client) and worker must sign all copies. The original *is* (will be) given to the *claimant* (client; one copy with the coupons to Fiscal Division;) and one copy *is* retained in the case record.

.006. *When Death Is Involved.*

(a) When a refund is requested because of the death of a participant and the food coupons are returned, the *worker* (covering memo to Fiscal Division) must:

(1) identify the deceased participant by case name, case number, and address;

(2) identify the person requesting the refund by name, address, and relationship to the deceased participant;

(3) supply information such as the purchase requirement, amount of bonus coupons received, and month(s) of issuance. If the specific month(s) of issuance cannot be determined, explain the circumstances.

(b) With the covering memo, the worker must:

(1) If the claimant is an administrator, executor, or other legally authorized representative of the estate, send to *state office* (Fiscal Division) a copy of the court order or other document legally establishing the claimant's authority to act.

(2) If there is no administrator, executor, or legal representative and the claimant is an heir or one of a number of heirs, *obtain from the claimant* (the

claimant's request for a refund a statement that the refund will be used toward the payment of outstanding obligations of the deceased and/or shared with other heirs in accordance with state laws. ***This statement will be included in the request for refund.***

007. If a Refund Is Not Requested.

(a) If the household returning the coupon books does not want a refund, the covering memorandum to ***state office*** (Fiscal Division) should so state. ***The claimant's written*** (In addition, a signed and dated) statement that no refund is requested must be ***sent to state office in place of the request for refund*** (obtained from the head of the household or spouse. This request will be filed in the household's case record).

Doc No 772048

326.15.75.004

The Department of Public Welfare proposes the repeal of one of its rules about returned food coupons in the Food Stamp Program. Also, at this time the department is proposing several related amendments which revise and reorganize procedures to be followed when unused food coupons are returned to the certification office. The content of the rule to be repealed about returning unused food coupons when death is not involved is covered elsewhere in department rules. This rule is repealed to delete internal policy and to avoid duplication.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau - 130, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

004. When Death Is Not Involved.

(a) When a household discontinues participation and returns unused food coupons, the covering memo to Fiscal Division must:

- (1) identify the household by case name, case number, and address, and
- (2) supply information such as the purchase requirement, amount of bonus coupons received, date of last purchase, and the reason for returning the coupons.

(b) The claimant must submit a signed, dated request for cash refund to the certification office. This request must be submitted to Fiscal Division with the covering memorandum.

Doc No 772049

**Early and Periodic Screening,
Diagnosis, and Treatment Program**

Administration 326.39.13

The Department of Public Welfare proposes the repeal of Rule 326.39.99.600 pertaining to allowable services for authorization and reimbursement, and to amend Rule 326.39.13.010 to outline the general services provided in the Title XIX Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Dental Program. This will permit the addition and deletion of authorized services for program maintenance.

The EPSDT Dental Program covers oral examination for oral pathological conditions, dental preventive, and corrective treatment services rendered at the time, and suggested dental services needed at future appointments for individuals under 21 years of age who are eligible for medical assistance.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau - 253, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

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

010. Authorized Services.

(a) ***Payment will be made only for dental services authorized by the department as necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health. These authorized services will be listed in the EPSDT Provider Manual. Payment for additional dental services may be authorized or authorization for specific services may be withdrawn when determined necessary by the department. Notice of changes in authorized services will be given to participating dental providers.*** (Concerning additional allowable procedures being added during the year. This is consistent with the Title XVIII methods) When ***additional*** (new) procedures are ***authorized*** (added, provided the) dentists ***will be*** (is) paid the lesser of (his) actual charges or the current maximum until (a) median ***charge levels*** can be established.

Doc No 772050

Support Documents 326.39.99

The Department of Public Welfare proposes the repeal of Rule 326.39.99.600, pertaining to allowable services for authorization and reimbursement and to amend Rule 326.39.13.010 to outline the general services pro-

vided in the Title XIX Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Dental Program. This will permit the addition and deletion of authorized services for program maintenance.

The EPSDT Dental Program covers oral examination for oral pathological conditions, dental preventive and corrective treatment services rendered at the time, and suggested dental services needed at future appointments for individuals under 21 years of age who are eligible for medical assistance.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau-- 253, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

The repeal of this rule is proposed under the authority of Articles 695c and 695j 1, Texas Civil Statutes.

.600. *Allowable Services for Authorization and Reimbursement.* Authorization and payment will be made only for the following authorized and allowable services:

Examination-Initial
 Examination-Recall Annual
 Examination-Emergency
 X-Ray-Full Mouth with Bitewings
 X-Ray-Periapical (Each)
 X-Ray-Occlusal (Each)
 X-Ray-Bitewing-Two Films
 X-Ray-Bitewing-Four Films
 X-Ray-Panoramic with Bitewings
 Oral Prophylaxis-Mixed or Permanent
 Oral Prophylaxis Mixed or Primary
 Fluoride-Topical Stannous (All Quad)
 Fluoride-Topical Acid Phosphate (All Quad)
 Oral Hygiene Instruction
 Space Maintainer Unilateral-Fixed *
 Space Maintainer Arch Type-Fixed *
 Space Maintainer Distal Shoe Type-Fixed *
 Space Maintainer Stainless Steel Crown *
 Alloy Pit Primary
 Alloy-One Surface Primary *
 Alloy-Two Surface Primary *
 Alloy-Three Surface Primary *
 Alloy-Four Surface Primary *
 Alloy-Pit Permanent
 Alloy-One Surface Permanent *
 Alloy Two Surface Permanent *
 Alloy-Three Surface Permanent *
 Alloy-Four Surface Permanent *
 Alloy-Five Surface Permanent *
 Alloy-Pin Retained *
 Filling Silicate *
 Filling Acrylic or Plastic *
 Esthetic-One Surface *

Esthetic-Two Surface *
 Esthetic-Three Surface *
 Nuva Fil-Three Surface *
 Nuva Fil-Four Surface *
 Nuva Fil-Five Surface *
 Crown-Full Stainless Steel *
 Crown-Plastic Form Cold Cure *
 Recement Crown
 Filling-Temporary *
 Pulp Cap *
 Bases
 Pulpotomy-With Base *
 Root Canal Therapy-One Canal *
 Root Canal Therapy-Two Canals *
 Root Canal Therapy Three Canals *
 Root Canal Therapy-Four Canals *
 Periodontal Prophylaxis
 Denture-Complete Upper Full
 Denture-Complete Lower Full
 Partial-Upper Acrylic No Clasp
 Partial-Lower Acrylic No Clasp
 Partial-Upper Acrylic with Clasp
 Partial-Lower Acrylic with Clasp
 Partial-Lower Metal with Clasp
 Extraction-Erupted Tooth *
 Extraction-Primary Root Tips *
 Extraction-Soft Tissue Impaction *
 Extraction-Partial Bony Impaction *
 Extraction-Residual Root Tip Recovery *
 Abscess-Drainage of
 Surgical Removal of Foreign Body *
 Frenulectomy Labial
 Frenulectomy-Lingual
 Palliative-Emergency Treatment of Pain *
 Analgesia
 Hospital Calls (Per Case)
 Antibiotic Injection
 Complications-Post Operative
 Local Anesthetic Allowed

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

Doc No 772051 Raymond W. Vowell
 Commissioner
 State Department of Public
 Welfare

Proposed Date of Adoption June 2 1977

For further information please call (512) 475-4601

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules are effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

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

Texas Department of Agriculture

Agricultural and Environmental Sciences Division-- Quarantines

Lethal Yellowing Quarantine 176.22.14

The Texas Department of Agriculture has adopted amendments to Rule 176.22.14.604 under the authority of Article 135a-1, Texas Civil Statutes.

.604. *Host Plants*—*Arenga engleri* Becc., *Arikuryroba schizophylla* (arikury palm), *Borassus flabellifer* (palmyra palm), *Carvotamitis* (cluster fish tail palm), *Chrysalidocarpus cabadae* (cabada palm), *Cocos nucifera* (coconut palm), *Corphyra elata* (talipot palm), *Dictyosperma album* (hurricane or princess palm), *Latania* sp., *Livistona chinensis* (Chinese fan palm), *Mascarena verschaffeltii* (spindle palm), *Phoenix canariensis* (Canary Island date palm), *Phoenix dactylifera* (date palm), *Phoenix reclinata* (Senegal date palm), *Phoenix sylvestris* (Sylvester date palm), *Pritchardia pacifica* (Fiji Island fan palm), *Pritchardia thurstonii*, *Trachycarpus fortunei* (windmill palm), *Verticaria merrillii* (Christmas palm, manifa, or adonidia)

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

Doc. No. 772053 John C. White
Commissioner
Texas Department of
Agriculture

Effective Date: May 15, 1977

For further information please call (512) 475-4457

Coordinating Board, Texas College and University System

Program Development

Criteria to be Met in the Creation of Public Junior Colleges in Texas 251.02.13

Under the authority of Section 61.062, Texas Education Code, the Coordinating Board, Texas College and University System, has amended Rules 251.02.13.001-.005 to read as follows:

.001. *Junior College District Coextensive with an Independent School District*. A junior college district coextensive with an independent school district must have a minimum assessed valuation of \$12,000,000 and the average daily attendance of the next preceding school year in the upper four grades of the public schools of the districts must exceed 400 students. If the assessed valuation exceeds \$20,000,000, however, the enrollment in the upper four grades may be less than 400 but must exceed 300 students. A petition for an election to create a district of this type must be signed by five percent of the qualified voters of the district.

.002. *Union Junior College District*. A union junior college district must have a minimum valuation of \$30,000,000. At least 3,000 scholastics must reside in the district. Some alternative criteria are provided in a bracket law for counties with population between 8,000 and 8,500. On this point see Section 130.032, Texas Education Code, Vernon's Texas Code Annotated. A petition for this type district must be signed by at least 10 percent of the qualified voters in each of the independent school districts.

.003. *Single County Junior College Districts*. Criteria for single county junior college districts are identical to those for union junior college districts, including the bracket law. The petition must be signed by at least 10 percent of the qualified tax-paying voters of the county.

.004. *Joint County Junior College Districts*. Criteria for joint county junior college districts are identical to those for the county district, except that the petition must be signed by 10 percent of the qualified voters residing in each of the interested counties.

.005. *Provisions Applicable to Each Type of District*. Additional provisions applicable to each type of district are:

(a) The proposed junior college must be planned as a comprehensive institution, to offer not only a core curriculum of freshman-sophomore courses in arts and sciences, but also

(1) technical programs up to two years in length leading to associate degrees or certificates;

(2) vocational programs leading directly to employment in semi-skilled and skilled occupations;

(3) continuing adult education programs for occupational or cultural upgrading;

(4) compensatory education programs designed to fulfill the commitment of an admissions policy allowing the enrollment of disadvantaged students;

(5) a continuing program of counseling and guidance designed to assist students in achieving their individual educational goals, and

(6) such other programs as may be prescribed by the Coordinating Board.

(b) Substantial evidence must be presented indicating that the proposed junior college will reach a minimum enrollment of 500 full time equivalent students in college parallel courses within three years after the college is established, and 1000 full time equivalent students in all programs within three years.

(c) Evidence must be presented that the tax base and tax program will create funds on a recurring annual basis which when supplemented with state aid and tuition fee income will be sufficient to operate an institution of excellence.

Doc No 772058

Procedures to be Followed in the Creation of Public Junior Colleges in Texas 251.02.14

Under the authority of Section 61.062, Texas Education Code, the Coordinating Board, Texas College and University System, has amended Rules 251.02.14.001-.008 to read as follows:

.001. *Creation of a Local Steering Committee.*

(a) The initial step in the creation of a public junior college is a local responsibility. A local group interested in establishing a junior college has customarily appointed a steering committee of at least seven citizens to provide leadership in behalf of the junior college effort.

(b) This steering committee should be composed of a cross-section of the people in the area, with representation from major civic groups. A chairman, co-chairman, and secretary should be appointed, along with any other officers who may be of assistance to the committee. Where the proposed junior college district is to be coextensive with the independent school district, the local board of trustees may serve in lieu of the local steering committee.

(c) The duties of the steering committee should include the following:

(1) It should serve a liaison function between the local area and the Coordinating Board.

(2) It should be responsible for a survey of the needs and potential of the area for a junior college district.

(3) It should be responsible for an information program describing the nature and purpose of a public junior college.

(4) It should summarize and evaluate the results of the survey made and formulate conclusions for submission to the Commissioner of Higher Education (executive officer of the Coordinating Board, Texas College and University System).

(5) It should be responsible for the preparation and circulation of a petition.

(6) It should present the petition to the commissioners court for action in compliance with Sections .033, .034, and .035, Chapter 130, Texas Education Code, as amended.

.002. Contact with Coordinating Board. The steering committee should contact the Coordinating Board staff as soon as practicable. This staff will offer advice and assistance under the direction of the head of the Division of Program Development.

.003. Conduct of a Local Survey.

(a) This is a survey of need, potential student clientele, and financial ability to be carried out under auspices of the local steering committee. The survey may be made either by the local steering committee or by professionals.

(b) When the survey is made by members of the local steering committee, Coordinating Board staff members will be available for assistance in planning. When the survey is made by a professional individual or research organization, the local steering committee should fully advise the Commissioner of Higher Education prior to initiating the survey.

(c) The survey should be made in compliance with plans prepared by the head of the Division of Program Development and upon completion, the survey and a copy of the proposed petitions should be submitted to the Commissioner of Higher Education. After consultation with the commissioner or his representative, the petition may be circulated.

.004. Circulation of a Petition. The local steering committee is responsible for the circulation of a petition for authorization of an election to establish a junior college district.

.005. Certification of Petition.

(a) A junior college steering committee shall submit its petition to the commissioners court.

(b) The petition should be supported by:

(1) a statement from the county judge (acting as ex-officio county superintendent) certifying to the number of scholastics residing in the district;

(2) a statement from the tax assessor-collector certifying to the current tax valuation in the proposed district;

(3) a statement from the tax assessor-collector certifying to the validity of signatures on the petition. (Deleted invalid signatures should be clearly identified);

(4) a copy of the resolution as acted upon by the commissioners court.

(5) a letter of transmittal to the Commissioner of Higher Education; and

(6) a copy of the survey report

.006. Presentation of Petition to the Coordinating Board.

(a) When the petition has been certified, it shall be presented to the Commissioner of Higher Education who then shall present it to the Coordinating Board, Texas College and University System

(b) The validated petition and other documents should be received by the Commissioner of Higher Education not later than 45 days prior to a regular meeting of the Coordinating Board. As a rule, a committee of the Coordinating Board will visit the community, hear interested parties to the question, and reports its recommendations to the full board.

.007. Action by the Board.

(a) The statutes of the State of Texas require the Coordinating Board to consider the needs of the state and the welfare of the state, as well as the welfare of the community involved, before recommending the creation of a new junior college district

(b) All interested parties will be heard at a regular quarterly meeting of the Coordinating Board, and permission to hold an election to create a junior college district will be granted or denied. Favorable Coordinating Board action will result in a minute order of the board being sent to appropriate local officials to conduct an election

.008. Resubmissions of Applications. Should an election to create a new junior college district fail, a period of 12 months normally should elapse before resubmission of the proposition to the electorate. The Coordinating Board will require a strong showing of need and unusual circumstances before approving resubmission earlier

Doc. No. 772059

Basic Standards For Texas Public Junior Colleges 251.02.16

The Coordinating Board, Texas College and University System, has amended Rules 251.02.16.001-.016, with three changes to the proposed text. A change to Rule .003(a) eliminates the requirement that an applicant to

a junior college have a minimum of 15 acceptable units from an accredited high school and requires only that the applicant be a graduate of an accredited high school. Another change to Rule .003(c) corrects the legal age requirement by changing from 21 years to 18 years the age requirement for certain admission requirements. A change to Rule .010 is simply to clarify the intent of the rule by substituting the word "or" for "and" to make it clear that local financial support from each of the sources listed is not required

Under the authority of Section 61.062, Texas Education Codes, the Coordinating Board, Texas College and University System, has amended Rules 251.02.16.001-.016 to read as follows

.001. General Provisions. Each public junior college shall comply with the basic standards prescribed in these rules. Each year when it is determined that satisfactory effort has been made to comply with these standards and that all operational provisions have been met, the Commissioner of Higher Education will certify to the proper officials that the institution is entitled to receive its allocated apportionment in compliance with the current appropriation act of the legislature

.002. Organization. A public junior college is an institution of higher learning, controlled by a local board of trustees or regents and operated under statutory provisions. A public junior college may confer associate degrees, but does not grant the baccalaureate degree

.003. Admission. A student may be admitted to a public junior college according to any one of the following conditions:

(a) For admission to the academic curricula, a public junior college shall require that the applicant be a graduate of an accredited high school

(b) An applicant who has not been graduated from high school may be admitted on the basis of written examinations or successful completion of the General Educational Development Testing Program or upon the recommendation of the principal or superintendent of the last high school attended. Content of the written examinations shall reflect high school equivalency. The form and type of these examinations and the procedure for administering them are to be determined by local policy

(c) A person who is 18 years of age or over may be exempt from the above admission requirements and admitted on "individual approval," provided the admitting officer is convinced that the applicant's record indicates ability to carry the college work assigned. Students admitted on this condition shall be subject to the same policies and regulations as all other students

(d) Students enrolling in the terminal curriculum including vocational-technical courses, shall have the same entrance requirements as those listed above. A student not meeting the requirements for admission to

a standard academic or general curriculum may be admitted to a terminal program on individual approval if he is at least 18 years of age.

(e) A student who has completed his junior year of high school may, upon the recommendation of the high school principal, be permitted to enroll in a junior college. The class load of such student shall not exceed the equivalent of 16 semester hours, counting each high school course as the equivalent of one three-hour course.

.004. *Instructional Departments.*

(a) Each public junior college shall maintain at least five departments with at least one full-time instructor to each. Instructors other than chairmen or heads of departments may teach in more than one department. If the organization is divisional, the course offerings must be the equivalent to that of the five departments.

(b) For purposes herein, "department" is defined to mean two full years of college work in an area of instruction. "Division" is defined as a specific combination of related subjects, such as: English, journalism, and speech, mathematics, pre-engineering, and physics; or government, history, sociology, and economics.

(c) The size of the faculty shall bear a definite relationship to the type of instruction, the number of students, and the number of classes.

.005. *Qualification and Professional Growth of Faculty.*

(a) Instructors in the public junior colleges shall meet or exceed the current standards of the College Delegate Assembly of the Commission on Colleges of the Southern Association of Colleges and Schools.

(b) It shall be the responsibility of the institution to maintain an in-service program to encourage professional growth and development.

.006. *Salaries and Tenure.* Each salary schedule will be evaluated on the basis of the national norms and trends as found in standard junior colleges. Standard practices with regard to professional tenure of instructional and administrative staff should be observed.

.007. *Classroom Load of Instructors.* Teaching assignments of instructors in public junior colleges shall conform to the current standards of the College Delegate Assembly of the Commission on Colleges of the Southern Association of Colleges and Schools.

.008. *Student Class Load.*

(a) Under ordinary conditions, a student should not be allowed to register for a student load that will exceed one-eighth of his baccalaureate degree plan per semester.

(b) The normal student load for the summer session shall be six semester hours for each six-week term.

The maximum for a superior student shall be eight semester hours for one term and 14 semester hours for two successive terms of six weeks each. Institutions having summer sessions of other than six or 12 weeks in length shall adjust the student load in accordance with the provisions above.

(c) Class activity in six-week or 12-week summer terms shall cover the entire calendar period designated for the respective terms.

.009. *Size of Classes.* The number in a class or laboratory section should not exceed 30 students. A smaller number is desirable. Exceptions may be justified where special plans and arrangements have been developed.

.010. *Local Financial Support.* In addition to state support, each public junior college shall have local financial support from local taxes, tuition, endowments, or gifts sufficient to insure a high quality of instruction, administration, and plant operation.

.011. *Library.*

(a) The library collections, including books, copies of bound and current periodicals, and audiovisual materials shall be sufficient size and quality to insure effectiveness in the instructional program of the college. Provisions must be made in the annual budget to keep the collection in good repair and to provide for continual improvement to meet current educational needs and trends. The inventory should be checked periodically with recognized college library lists.

(b) The physical environment of the library shall be attractive and have adequate lighting, standard library furniture, fixtures, and equipment, adequate seating capacity, and sufficient work space for the library staff.

.012. *Laboratories.* The laboratory space, equipment, lighting, and ventilation shall be adequate for effective teaching in each of the science courses offered by the institution. These facilities shall be maintained and supplemented periodically by budgetary provisions that will allow for continuous curriculum improvement and meet modern trends in the science courses offered by the institution. A plan of safety precaution should be developed and observed.

.013. *Plant and General Facilities.* The location and construction of the buildings, the lighting, heating, ventilation, corridors, closets, water supply, furniture, apparatus, and the methods of cleaning and campus maintenance shall be such as to insure comfort, hygienic conditions, and safety for students, faculty and other employees, and for the general public.

.014. *Student Activities.* The entire program of student activities shall be under the supervision of the institution. The participation of students in such activities should be based upon interests, abilities, and

maintenance of satisfactory academic standing. The general objectives of all student activities should be the development of the ideals of democracy. The finances of all activities shall be under the supervision of, and periodically audited by, the administration and reported to the governing board.

.015. Student Services.

a) The public junior colleges shall provide a program of counseling and guidance with services available to all the students for the purpose of aiding them in adjustment to college campus living, appropriate placement in the curriculum, general social adjustment, and suitable professional placement.

b) A testing program which as a minimum makes use of the best known and more reliable instruments, shall be made available to students.

c) Placement and follow up services should be provided.

.016. General Character of the Institution. The nature of the curriculum, the efficiency of the instruction, the academic and scientific atmosphere, the standards for scholarship, the requirements for graduation, and the general tone of the institution shall be factors in determining the efficiency and effectiveness of the institution.

Doc No 772060

Operational Provisions for Texas Public Junior Colleges 251.02.17

The Coordinating Board, Texas College and University System, has amended Rules 251.02.17.001-.022 with one change in the proposed text. A provision has been added to Rule .013 that states: "Contact hours generated by a student enrolling after the last class meeting prior to the official reporting date but prior to such reporting date shall be counted for state reimbursement provided the student attends the next scheduled class meeting."

Under the authority of Section 61.062, Texas Education Codes, the Coordinating Board, Texas College and University System, has amended Rules 251.02.17.001-.022 to read as follows:

.001. General Provisions. Each public junior college shall comply with the operational provisions prescribed in these rules. Each year when it is determined that satisfactory effort has been made to comply with the basic standards and that all these operational provisions have been met, the Commissioner of Higher Education will certify to the proper officials that the institution is entitled to receive its allocated apportionment in compliance with the current appropriation act of the legislature.

.002. Eligibility of Students. Only those students who are admitted to the college in credit courses under the applicable section(s) of Rule .003 of the Basic Standards for Texas Public Junior Colleges and who are enrolled in courses formally approved may be counted in determining the student contact hours for appropriation purposes.

.004. New Colleges. For appropriation purposes, the Commissioner of Higher Education may waive the requirement of the sophomore year as stipulated in Rule .002 of the Basic Standards for Texas Public Junior Colleges for newly created public junior colleges.

.005. Combined Courses. Two or more classes in related subject fields ordinarily taught by individual instruction or participation may be combined to form a single class section in the evaluation of the instructor's teaching load. In compliance with Rule .007 of the Basic Standards for Texas Public Junior Colleges, the class load will be determined by the highest semester-hour value of any of the courses forming the combination.

.006. Library.

(a) As implementation to Rule .011 of the Basic Standards for Texas Public Junior Colleges, a public junior college shall have a library of not fewer than 6,000 volumes of books and bound periodicals. It shall also possess audio-visual materials appropriate for course offerings. There shall be an annual budgetary allocation for the library of not less than \$5 per full-time student equivalent enrolled in all courses approved for appropriation purposes. This \$5 minimum shall be applied on the purchase of books, periodicals, bindings, audio-visual materials, and library maintenance supplies, but shall not include the salaries of the library staff.

(b) Circulation records which reflect student and faculty utilization of the library facilities shall be maintained. A program of orientation for the use of the library shall be maintained for freshman students.

.007. Local Support. In compliance with Rule .010 of the Basic Standards for Texas Public Junior Colleges, a public junior college should have a minimum income from local resources of \$300 per full-time student equivalent enrolled in approved courses.

.008. Separate Accounting. Each public junior college or junior college division operated as an administrative unit within the organizational structure of an independent school district for a four-year institution shall maintain a separate accounting system which will accurately reflect the income and expenditures of the junior college or junior college division.

.009. Out-of-District Courses. Out-of-district courses offered by community/junior colleges must conform to Coordinating Board Rules 251.02.12.001-.006.

.010. *Part-Time Instructors.* Part-time instructors, instructors in evening divisions, and instructors in off-campus courses shall have met the requirements and qualifications as required of regular full-time day instructors. All such instructors shall be listed as *bona fide* members of the faculty and shall be subject to the same policies and regulations of the institution as the regular instructors or to such special policies and regulations as may be adopted by the governing board and administration.

.011. *Length of Course.* All courses subject to approval for appropriation purposes shall provide instruction by a duly qualified faculty member for the number of contact hours reported by its institution for state funding purposes.

.012. *New Courses or Classes.* New classes shall be organized according to the rules and regulations of the Coordinating Board and reported according to the requirements of the uniform reporting system for public community colleges.

.013. *Reporting for State Reimbursement Purposes.* Contact hours generated by any student who has not been in attendance between the official date of his registration and the official date for reporting enrollment for that class shall not be counted for appropriation or state reimbursement purposes. Contact hours generated by any student who has withdrawn or been withdrawn by the college from a class prior to the official reporting date for that class shall not be counted for appropriation or state reimbursement purposes. Contact hours generated by a student enrolling after the last class meeting prior to the official reporting date but prior to such reporting date shall be counted for state reimbursement provided the student attends the next scheduled class meeting.

.014. *"Comparable" or "Like" Courses.* Each course approved for appropriation purposes shall be similar to a course offered in a Texas four-year fully state-supported institution of higher learning and shall conform to the same standards. This similar course in the four-year college may be selected from the same year level, the year below, or the year above the level in which the course is offered in the junior college. Under no conditions will a senior-year-level or a graduate-level course be considered as a similar course.

.015. *Criteria for Similarity.* The validity of courses based on comparable units of instruction in the four-year state-supported institutions shall be determined as follows:

(a) "Similarity" or "likeness" of courses shall be in the course content, but not necessarily in title, course number, or amount of credit assigned. Credit hours allowed for the junior college course will be determined by the accepted practice of determining course value by

the number of clock-hours of instruction devoted to the course. Under no circumstances will a course be approved for more than six semester hours per semester.

(b) Courses of standard nature, such as English literature, American history, trigonometry, economics, general biology, and beginner's Spanish, are acceptable.

(c) Courses similar in content and in the same field or related fields, but catalogued under different titles, are acceptable.

(d) If the "similar" course is listed as a junior-year course in the senior college catalogue, the prerequisites of the junior college course shall be comparable to the course prerequisites of the senior college course.

(e) Courses may vary in credit assigned, the credit being determined by the number of clock-hours devoted to the course. Single units, or one-semester courses, may be keyed to full-year or two-semester units of instruction. A two semester unit in a junior college may not be keyed to a one-semester course offered in a four-year institution when the total credit value of the junior college course exceeds the credit value of the four-year college course.

(f) Two or more junior college courses may be offered as similar or like courses to a course in a four-year college only when the junior college courses are offered as alternates and when the student is prohibited from taking both courses for credit.

.016. *Physical Education Classes.*

(a) Physical education and physical training courses may be approved when conducted on a regular schedule with a minimum of two clock-hours of activity per week.

(b) Instructors must be employed by and paid a salary directly by the college.

(c) Credit for courses in physical training shall be limited to one semester hour per course for appropriation purposes. The participation of students in intramural sports may not be substituted for approved physical training credit. When credit is allowed for participation in a major seasonal sport, the students are to be enrolled in another section of physical training or activity at the termination of the seasonal sport in order to complete the semester of required participation.

.017. *Bible Classes.*

(a) Approval of courses for state appropriation purposes in Bible history and Bible literature may be granted if no instruction of sectarian nature is included in the course. Such courses shall be taught in a department embodying the humanities, such as social science or literature. Instructors of these courses must meet the qualifications for academic instructors, must be employed by the college on a salary basis, paid by the college, and considered as a member of the regular or part-time faculty.

(b) Such courses shall be conducted on the premises owned or under the control of the college during

the hours the classes are scheduled. (See Attorney General's Opinion O-5037, January 22, 1943, and O-5643, November 8, 1943.)

(c) Titles of Bible courses shall reflect historical and literature study.

(d) Courses offered in a church-sponsored Bible chair will not be eligible for appropriation purposes.

.018. Music and Art Classes.

(a) In courses of instrumental music and voice training, credit will be determined on the basis of two one-half-hour instructional periods with six hours of practice per week for three-hour courses. Approval for appropriation purposes may be granted for students enrolled in applied music in ensemble when this instruction meets other requirements stipulated in these rules. Music courses must have a minimum of one class hour lecture per week for group instruction and a minimum of one half hour of private instruction per week for individuals on a semester basis. Participation in marching band may not be substituted for physical training courses approved for appropriation purposes.

(b) Art courses in which individual instruction is the generally accepted practice will be governed by the same provisions set forth for instrumental music and voice instruction in Section (a).

.019. Nurse Education Courses. Courses in nurse training may be approved for state appropriation purposes and may be taught by hospital staff members who meet the instructor's qualifications set forth in the Basic Standards for Texas Public Junior Colleges and in compliance with Rule .010 of these rules. Approval of nurse education courses shall be in compliance with Rule .015 of these rules.

.020. Technical Courses. Courses of technical nature shall be approved and offered in such manner as to assure credit to be applied toward graduation and the associate degree. Such technical courses shall have the necessary shop laboratory hours to develop the competence and skills which are objectives of the respective courses. To be counted for state appropriation purposes, students enrolled in approved technical courses shall meet the entrance requirements as prescribed for all regular academic students.

.021. Records and Reports. Each public junior college shall maintain complete and accurate records of all students enrolled from the time of registration to withdrawal or graduation. Such records shall be a part of the well organized system of student accounting which is accessible and reflects the current status of all students. Such records must conform to The Family Educational Rights and Privacy Act of 1974 (P.L. 93-380, 513), as amended popularly known as the "Buckley Amendment" and Article 6252-17a, Texas Revised Civil Statutes Annotated.

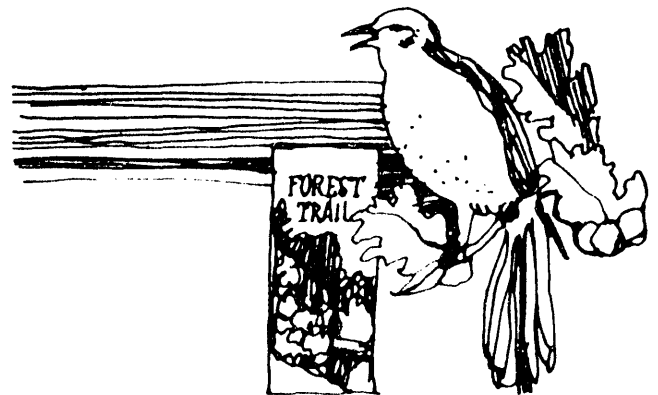
.022. Violation of Rules. Whenever an infraction of these rules is found, the extent and nature of the violation will be called to the attention of the president of the college and an opportunity for satisfactory adjustment will be given. When satisfactory adjustments are not made, the penalty will be assessed to the extent of the violation, with penalty being assessed from the allocated apportionment the succeeding fiscal year.

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

Doc No 772061 Kenneth H. Ashworth
Commissioner of Higher
Education

Effective Date: May 15, 1977

For further information please call (512) 475-2033



Texas Education Agency State Commissioner of Education

Adoption by Reference 226.13.91

The Texas Education Agency has adopted an amendment to Rule 226.13.91 .010, the permanent adoption by reference of School District Data Submission to the Texas Education Agency, Bulletin No. 742. The bulletin has been updated.

This amendment is adopted under the authority of Section 11.52(d), Texas Education Code.

.010. School District Data Submission to the Texas Education Agency, Bulletin No. 742. The rules for data submission to the Texas Education Agency are described in the official Texas Education Agency Bulletin, School District Data Submission to the Texas Education Agency, Bulletin No. 742, as amended March, 1977.

which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

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

Doc No 772052 M. L. Brockett
Commissioner of Education

Effective Date May 15 1977

For further information please call (512) 475-7077

Planning and Evaluation

Principles, Standards, and Procedures for the Accreditation of School Districts-- 1977 226.37.15

The State Board of Education has adopted new principles, standards, and procedures for the accreditation of school districts. These new standards were first published as proposed Rule 226.37.15.010. At the request of the Office of the Secretary of State, Texas Register Division, several rule numbers have been assigned to the final set of principles and standards.

A public hearing and extensive public review and discussion of the proposed rules were held. Several editorial and some substantive changes were made. Substantive changes include the following:

(1) Rule .010, Statutory Basis for Accreditation, was added;

(2) all districts seeking accreditation will come under the new standards in September, 1978, while under the proposed rules districts already into accreditation cycles could complete them under either the old or the new rules;

(3) districts may only remain on "advised" status for two years;

(4) proposed indicator 2 of standard 3A has been deleted ("No administrative or supervisory prerogatives are exercised by an individual member of the board or a committee of the board without full board approval");

(5) standard 4C, concerning assessment of student achievement, was redrafted and now includes the following indicator:

"(3) Information from a variety of valid instruments and sources is used for assessing student goal attainments. However, standardized achievement test scores are not used as the sole criteria for placement, promotion, or retention of students";

(6) four years of military science for grades 9-12 was added to the list of approved courses;

(7) driver education may now be counted toward local graduation credit only; and

(8) an outline of the accreditation planning process was added (Rule .395).

These rules are promulgated under the authority of Sections 11.26(a)(5) and 16.053, Texas Education Code.

.010. Statutory Basis for Accreditation. The Texas Legislature has established the objective of public education in general in Section 2.01 of the Texas Education Code.

The legislature has declared the state policy on public education in Section 16.001 of the Texas Education Code

The primary authority and obligation for producing educational results through such programs and services resides by law and sound principle with the constituted authorities in each local school district. Section 23.26(b) of the code grants the board of trustee of each independent school district the power to manage and govern the schools in the district

The agency is charged by statute to support and assist school districts in carrying out their assigned governance functions. Section 11.26(a)(5) of the Code directs the State Board of Education to "establish regulations for the accreditation of schools." Enacted by the 64th Texas Legislature, Sections 16.051 and 16.053 require that, "beginning with the 1977-78 school year each school district must be accredited by the Central Education Agency" as a condition for receiving financial support from the Foundation School Fund

It is clear from these statutes that the purpose of school accreditation is to ensure good public schools in Texas as well as continuous movement toward excellence. The mandate to the State Board of Education to establish regulations for the accreditation of schools has been carried out over the last several decades with periodic updating to improve the quality of elementary and secondary schools in Texas. The principles, standards, and procedures, formulated after extensive consultation with those concerned with and affected by school accreditation, represent a further updating of accreditation regulations in this same spirit.

While compliance with basic standards of quality education is essential for all school districts in the state, it is recognized that every school district is unique--with its own community values to be honored and with particular types of children for whom appropriate and suitable educational opportunities must be provided. With this in mind, the State Board of Education has adopted standards for accreditation which describe a fundamentally sound educational program, but which take into account the latitude which local boards of education have to exercise their judgment regarding what is most appropriate for the students served by the

district. During the first year of their implementation, careful and thorough evaluation will be conducted to determine whether these regulations are sufficiently clear and, if necessary, to revise them to further clarify their meaning. Based upon evaluative experience, it is likely that the standards can be refined in such a way as to improve the clarity of their meaning while at the same time leaving the necessary discretion in the hands of local boards of trustees.

The burdens and challenges facing school districts are growing. New conditions and rising expectations add, almost daily, to their responsibilities. New interests in education challenge old procedures and methods. New emphasis upon student achievement challenges long-accustomed definitions of good schooling. More than ever, therefore, it is essential that the wisdom and capacities of school district authorities be relied upon for decisions and actions to serve the best interests of Texas students. This means that local boards of trustees must continue to exercise authority, ability, and responsibility to take initiative, make informed judgments, and apply primary interpretive discretion. Those actions must be trusted by state and national levels of government.

The major intent of these regulations is to ensure basic quality of educational opportunity across the state by assisting the prime movers of local school districts.

.020. General Position Statement. The material in Subcategory 37.15 is arranged in three sections.

Section One: Conditions and Procedures for Accreditation (Rules 110-180)

Section Two: Principles and Standards (Rules 200-295)

Section Three: Appendix: Additional Accreditation Regulations (Rules 310-395)

Principles and standards were developed in consultation with hundreds of representatives from school district settings. One result was a broader scope covered by principles. Another was considerable recasting of the standards. To reduce duplications in standards, cross-referencing is used to call attention to standards applying to more than one principle. A third result was to transfer to the appendix (Rules 310-395) most specialized or program-specific materials. The material in the appendix (Rules 310-395) is a mandatory part of the accreditation regulations, and is cited under relevant standards. A list of supplemental resources is available as a separate document providing informational sources related to principles, standards, and procedures for the accreditation of school districts. This list is not a part of State Board of Education policy or regulations but is available for information only.

The chief result of widespread consultation, however, was a somewhat different placement of school ac-

creditation regulations in the Texas design for assuring good education for all students. Since House Bill 1126, adopted by the 64th Legislature, replaced several other proposals to incorporate accountability and educational improvement mandates in Foundation School Program legislation, legislative intent appears to be that school accreditation become a key strategy for assuring responsive educational improvement and demonstrable achievements on the parts of school districts. School district representatives, other advisory groups, officials in the agency, and the State Board of Education reached the same conclusion.

A parallel conclusion was also reached. If school districts are to be responsive to local demands, then initiative, motivation, and judgments of what is best and what is achievable must be the prerogative of the district itself. That which is most important for schooling is placed by law and by tradition under the domain of the boards of trustees of individual school districts. There it should remain. School accreditation must take into partnership and include the interpretive and adaptive decisions of local district authorities. It must sanction and reward district initiative. State level review, requirements, and enforcements thereof are also a necessary part of school accreditation regulations. But a more important part is to assure true quality in student learning and in performance of school districts. That assurance will be served best by encouraging school districts' self-determined educational improvement.

These two conclusions are reflected in the principles and standards which depart from former approaches to school accreditation. However, the changes are not revolutionary. Instead, they mark another stage in an evolution which has occurred over several decades. The regulations still call the attention of local school officials to mandates and minimum requirements. These are imperatives required of all school districts by state or national governments through statutes, judicial interpretations, and definitions and regulations established pursuant to law by government agencies.

.110. Eligibility.

(a) Each legally constituted public school district in Texas must be accredited by the Texas Education Agency in order to receive support from the Foundation School Fund. A public school district operating fewer than 12 grades will be eligible to be accredited with special adaptations, as determined by the commissioner, in the accreditation process outlined in Rules 110-180.

(b) Nonpublic schools are eligible, upon application, for accreditation by the agency provided they operate at least six elementary grades with at least six full-time teachers or four secondary grades.

(Note: While these principles, standards, and procedures have been prepared with public school districts

in mind, nonpublic schools desiring accreditation are expected to comply with these standards with appropriate adaptations, as determined by the commissioner.)

(c) A district takes the initiative in applying for accreditation by furnishing to the agency the information called for in these procedures.

(d) A district which fails to execute the procedure set forth in Rules 110-180 becomes unaccredited.

120. *Comprehension.*

(a) Accreditation encompasses the district as a whole. It is based upon evidencing satisfactory overall compliance with these principles and standards.

(b) Accreditation cycles are five school years in duration. Cycles of school districts in the state are scheduled on a staggered basis so that approximately one-fifth of the school districts in the state enter the process each year.

(c) Accreditation is maintained through two kinds of continuous performance by the district throughout each five-year accreditation cycle:

(1) maintaining satisfactory status with respect to principles and standards (see Rule 120(a) above), and

(2) improvement as measured by success in producing targeted advancements in student learning achievement as compared to status at the beginning of the district's cycle.

These targeted advancements are self-selected by the district. Continued accreditation is dependent upon demonstrated improvement, regardless of the standing of the district compared to other districts.

(d) Satisfactory performance by the district over one cycle leads to continuation of accreditation for another cycle upon application by the district. Continuation, however, is based upon performance by the district in the discharge of certain obligations made clear in the principles and standards.

(e) Failure of the district to discharge its obligations during the cycle can result in modification or revocation of the district's continuing accreditation. Such action, however, always extends to the district full opportunity for procedural safeguards as required by law (see Rule 140(c) following).

130. *Applicability.*

(a) These regulations for school accreditation will be revised periodically. However, districts will be given a reasonable timeline to adjust to changes in these regulations. A district's continued accreditation is semi-contractual in nature, and should seldom be adversely altered by new regulations issued within a district's accreditation cycle.

(b) Revisions apply immediately, or as otherwise designated by the State Board of Education, when:

(1) a statute enacted by the Texas legislature so directs and becomes effective,

(2) a court order or a statute of the U.S. Congress directs the State Board of Education to revise accreditation regulations by a specified date; or

(3) the State Board of Education, following procedures in state law, gives notice that a revision becomes applicable at a date specified by the State Board of Education.

(c) With the exceptions stated in Rule 130(b), the accreditation status of a district will not be affected negatively by new or revised regulations issued within an accreditation cycle.

(d) A district which is presently accredited, and which has not yet entered into a five-year accreditation cycle under this procedure, will remain on its current accreditation status until such time as it does enter into the new procedure in 1978-79 or 1978-80.

(e) The regulations in this rule become applicable to school districts whose accreditation cycle began in January, 1977. However, such districts shall have the option, upon request to the agency, of remaining under the Principles and Standards in Bulletin 560 (Rule 226.37.91.010) during school year 1977-78.

(f) Districts which entered accreditation cycles through the Pilot Accreditation Process in 1974-75, 1975-76, or 1976-77 are following substantially the chief procedural revisions in Rules 110-180 (Conditions and Procedures for Accreditation); their obligation is to carry out the five-year plan upon which their continued accreditation was based. Such districts shall have the option to be in compliance with the principles and standards in Bulletin 590 (Rule 226.37.91.010) or, upon request to the agency, the principles and standards in Rule Subcategory 37.15 during school year 1977-78. However, all districts shall be obligated to be in compliance with the principles and standard, in Subcategory 37.15 for school year 1978-79 and subsequent years.

(g) The objectives of most districts' five-year priorities plan (see Rule 240, Standard (g)) may extend into the succeeding cycle. Such districts carry forward an obligation to pursue the objectives of that plan, but may meld these into the objectives of their five-year priorities plan for the succeeding cycle.

(h) Accreditation for a district by a voluntary association is a local district option; however, accreditation by such voluntary associations does not substitute for accreditation by the Texas Education Agency.

(i) A district not previously accredited by the Texas Education Agency, or which has become unaccredited, may secure directions for applying from the Division of School Accreditation. Because of the time required for such a district to comply with Principle 4 (Rule 240), the agency may, after inspection, extend a two-year probationary accredited status to new entrants while they are attaining compliance with Principle 4 (Rule 240).

.140. Establishment and Modification of a District's Accreditation Status.

(a) Each district will be classified for purposes of accreditation in one of five categories:

(1) Accredited. In substantial compliance with these procedures and with principles and standards.

(2) Accredited, advised status. Accredited upon condition of correction of minor variations from Accreditation Principles, Standards, and Procedures for which there is not evidence that such variations are being satisfactorily resolved through implementation of the district's five year priorities plan. A district may not remain on advised status for more than one year.

(3) Accredited, warned status. Accredited with provision for correction of substantive discrepancies from Accreditation Principles, Standards, and Procedures for which there is not evidence that such discrepancies are being satisfactorily resolved through implementation of the district's Five Year Priorities Plan. A district may not remain on warned status for more than two years.

(4) Unaccredited status. Because of failure to remove variations or discrepancies cited in (2) or (3) above, and/or failure to discharge satisfactorily its obligations during the accreditation cycle, accreditation is removed. When such action is taken by the agency, removal of accreditation becomes effective at the end of the school year.

(5) Accredited, probationary status. An unaccredited school district can establish or re-establish accredited status only by meeting stipulations made to the district by the agency only under Rule .130(1) above. Districts re-enter accreditation on probationary status for a period of two years. A district on probationary status is accredited on condition of correction, during a period of not more than two years, of substantive discrepancies from Accreditation Principles, Standards, and Procedures, accompanied by periodic demonstration to the agency that removal of such discrepancies is proceeding as scheduled.

(b) A district's accreditation status is established or reaffirmed through the following:

(1) completion by the district of the actions required to apply for accredited status as outlined in (c) below and in Rule .160;

(2) review by the Division of School Accreditation, and recommendation by the division that the district be granted accreditation status;

(3) review by the State Commission on School Accreditation, and recommendation that the district be granted accredited status;

(4) review by the Commissioner of Education, and recommendation that the district be granted accredited status;

(5) establishment or reaffirmation of the district's accredited status by action of the State Board of Education.

(c) In order to maintain accredited status, once established, the district must (1) remain in substantial compliance with Accreditation Principles, Standards, and Procedures, and (2) actively and continuously implement its five-year priorities plan. Notification of intent by the Division of School Accreditation to recommend modification of a district's accreditation status is given at least 60 days prior to the effective date of the proposed modification in status. If the district is not in agreement with the judgment or recommendation of the Division of School Accreditation, the district may, within 30 days, request in writing an opportunity for review of the recommendation for proposed action. Such review process normally follows the steps outlined below:

(1) District officials confer with the Director of the Division of School Accreditation. If agreement is reached, no further review is taken.

(2) If agreement is not reached in (1), the district may request a review by the State Commission on School Accreditation. If resolved at this level, no further review is taken.

(3) If not resolved in steps (1) and/or (2), the district may request review by the Commissioner of Education. If agreement is reached, no further review is taken.

(4) If not resolved in step (3), the district may request a hearing by the State Board of Education. If resolved at this level, no further review is taken.

(5) If not satisfied with the action of the State Board of Education, the district has the right to request a rehearing before the board.

(d) The provisions of Sections (a), (b), and (c) do not necessarily apply when a district is found to be in violation of Civil Action 5281.

.150. Evaluation and Monitoring.

(a) Evaluation of the achievements and procedural performance of the district is a key feature of these regulations, and is carried out by the district and/or by the agency using as a reference the Principles and Standards for Accreditation of Schools. This evaluation process consists of:

(1) securing information, objective and subjective, which measures performance and results;

(2) comparing these measurements with the principles and standards; and

(3) judging the degree of adequacy reflected by this comparison.

(b) The district has principal responsibility for the evaluation. Principles and standards call for continuous and repeated evaluation during the five year period as well as summative evaluation near the end of each cycle. This summative evaluation serves as part of the assessment that provides information necessary to make plans for the next five year cycle.

(c) Continuous monitoring and gathering of evaluative information are conducted by the district. Some of this information is to be reported to the agency. This information becomes the prime evaluative information used by the Division of School Accreditation to monitor the district's compliance with its own five-year priorities plan and with the Principles and Standards for Accreditation.

(d) Additional monitoring is also conducted by the agency in several ways:

(1) data contained in school district reports additional to those in (c) furnish evaluative information;

(2) relevant information is delivered to the Division of School Accreditation by other agency divisions charged with monitoring the district's compliance with provisions of state plans, criteria used in district auditing and/or guidelines for regular or special programs;

(3) the Division of School Accreditation visits and observes school district conditions or conducts special studies when occasions warrant. On-site visits will be for the purpose of routine progress checks; other visits may be made when the possibility of a serious problem is called to the attention of the division.

(4) A district on advised, warned, or probationary status receives intensive monitoring from the agency.

(e) Using the evaluative information referred to above and the evaluative judgments made by the district, the agency arrives at its final decision with respect to the district's accreditation status.

160. *Procedural Flow.*

(a) These regulations emphasize the school district's responsibility to produce achievement in learning by students as the prime basis upon which accreditation rests, while maintaining satisfactory compliance with the principles and standards as a whole.

(b) Each district's cycle begins with the establishment of learning goals for its students. These student learning goals are used as the basis for assessing the present status of achievement by students within the district. The district sets its own criteria for satisfactory achievement by students in the various goals areas. Present levels of students achievement are measured and compared with these criteria to identify discrepancies. These discrepancies are called student learning "needs." From the needs identified, a small set of major discrepancies is selected to be given priority treatment.

Simultaneously with this student assessment, the district conducts a program analysis. The Principles and Standards for Accreditation are the initial basis for this analysis, the priority student learning needs are then used as the basis for in depth analysis of selected elements of the program, to identify suspected causal relationships. In this way program discrepancies are identified. Some of the program discrepancies identified

through this program analysis are chosen for long-term priority treatment; other minor discrepancies from principles and standards which are correctable on a short-term basis are also identified. The student assessment and the program analysis constitute the "self-study."

Based on priorities identified among the findings of the self-study, the district prepares a five-year priorities plan to reach a set of targeted student learning objectives in five years or less. A related feature of this five-year priorities plan is a set of targeted improvements in student goal achievement. Strategies to achieve these objectives take the form of new, modified, or intensified efforts which are chosen by the district. Descriptions of the projected efforts are written and become a part of the plan, with appropriate resources allocated. Arrangements are made to ensure that the district has information on what student learning it is securing at what costs and that such information is made available to the agency.

Those remaining discrepancies from principles and standards which are not addressed in the five-year priorities plan are corrected on a short-term basis (less than one year).

The district then implements the actions outlined in its five-year priorities plan, including monitoring and reporting of results through its five-year accreditation cycle. Modifications are made in the plan as called for by evaluative evidences. A report to the agency upon the degree of achievement of its priority objectives is made near the end of its cycle. Monitoring information on the district's achievement of the targets of its five-year priorities plan and (if indicated) on the correction of other discrepancies from principles and standards are made cumulatively available to the agency.

The district is required to submit to the agency, during the five-year cycle, the following:

(1) the goals adopted, with a terse description of the procedures used in their establishment;

(2) a copy of the district's own summary of the findings of its self study;

(3) a copy of the district's adopted five-year priorities plan;

(4) at the end of each school year, a copy of the district's own findings regarding the extent to which the targeted student learning objectives have been attained, together with any modifications to be made in the five-year priorities plan; and

(5) a copy of the results of the district's final-year assessment.

The Division of School Accreditation compares these submitted reports with relevant principles, standards, and indicators in these regulations, and gives advice and/or approval to the district.

In addition to the procedures described above, the district's year-by-year compliance with principles and standards is stressed. These principles and standards are derived from practices present in good Texas school systems, and hence are synonymous with sound district operations. One such operation consists of regularized procedures conducted to keep the superintendent and board of trustees informed regarding the district's compliance with Principles and Standards for Accreditation. The agency draws upon information which results from these procedures as one basis for monitoring the district's compliance with principles and standards. Additional information for monitoring may be collected through the following:

(1) data submitted on reports required by agency divisions other than the Division of School Accreditation;

(2) additional reports required when a district's accreditation status is modified to advised, warned, or probationary; and

(3) information contained in the district's records in connection with on-site visits by representatives of the agency (see Rule .150, Evaluation and Monitoring, (d), (3)).

(c) In its initial cycle under these regulations, a district usually devotes two school years to the processes of goal setting, self-study, and construction of its five-year priorities plan. This plan will typically extend two years into the next cycle. In its next cycle, the time span for goal setting, self-study, and plan-making can be shortened by using the current evaluative information the district has on hand, and its priorities plan for the preceding five-year cycle can be melded into its plan for the second cycle. By its third accreditation cycle, the typical district will be able to make its five-year priorities plan cover approximately the same time period as its accreditation cycle.

(d) Procedural variations are available to a district which desires to find better ways to obtain improved student learning. The district may request waiver of certain regulations in order to permit the conduct of an experimental project:

(1) A district desiring to conduct a pilot project using methodologies and/or logistics which vary from accreditation regulations obtains permission to do so from the Division of School Accreditation.

(2) The district submits a written proposal specifying the nature and duration of the project.

(3) The application is evaluated by the agency, in some instances with assistance from independent evaluators, for its probable consequences for improved student learning and/or contributions to knowledge about educational improvement strategy.

(4) If evaluation of the application so indicates, and with the advice of the State Commission of School Accreditation, the Division of School Accreditation

grants the waiver(s) requested, with a contract by the district to perform as outlined in its approved proposal.

(Note: Prescriptive statutes of the legislature cannot be waived.)

.170. Safeguards.

(a) Any regulations herein will be subject to review by the agency upon petition by 10 or more school districts, with those petitioners accorded an opportunity for a public hearing on the matter if they so request.

(b) A district may request a review of a judgment made by the agency respecting its accreditation status (see Rule .140(c) above).

(c) Since the State of Texas has established school districts and a state system of finance for those districts, an evaluation of a district's satisfactory compliance with accreditation regulations shall take into account the fiscal capacity and the demographic conditions within that district. Opportunities shall be given to a district to correct deficiencies before accreditation is withdrawn, and the district shall have full opportunity for appeal and an impartial, legally sufficient hearing on evaluations the district contends are unjustified.

(d) To assure that accreditation regulations are consonant with the responsibilities of school districts and that the application of those regulations is to the best interest of school districts, their students, and the State of Texas, the State Board of Education has established a state commission on school accreditation.

.180. Responsibility for Compliance.

(a) Ultimate responsibility for compliance with school accreditation regulations rests upon the district.

(b) However, the agency is directed by law to ensure compliance with these regulations by each school district seeking to be accredited. Since the majority of Texas school districts respond readily to the leadership provided through the school accreditation process, the agency's primary vehicles for achieving compliance are advice and assistance to districts. Other vehicles are monitoring and evaluating school district status.

(c) The Division of School Accreditation has responsibility for

(1) maintaining effective liaison between the agency and a district to be accredited;

(2) monitoring each district's compliance with the procedural, programmatic, and product expectations set forth in these regulations; and

(3) causing the agency to make an evaluation of the composite compliance of a district with accreditation regulations.

The monitoring referred to in (2) above will be conducted chiefly through reports or other documentation submitted by the district; on-site monitoring visits will be conducted as required (see Rule .150(d)(3) above).

The division serves, upon request, to link a district with technical services and advisory assistance from within or outside the agency in carrying out accreditation procedures. It is the intent of the agency that districts shall be able to get answers for all their accreditation questions by calling upon the Division of School Accreditation.

(d) Principle 2 and its accompanying standards (Rule .220) call upon the district to be in continuous compliance with constitutional and statutory law. For a considerable portion of such law, responsibility for enforcement is lodged in state government entities other than the Texas Education Agency. Responsibility and authority for enforcement of several statutes and court orders, however, are placed upon the agency. Regulations adopted by the State Board of Education and/or the Commissioner of Education, including accreditation regulations, become part of the statutory law to be enforced. Delegation of enforcement responsibility and authority for these accreditation regulations are indicated by (c) above and in the regulations themselves. Authority for enforcement of statutory law delegated to the agency is placed in several divisions of the agency. Those divisions, not the Division of School Accreditation, have primary responsibility to monitor and enforce the laws and regulations assigned. However, those divisions do report to the Division of School Accreditation continuing noncompliance with statutory law or regulations on the part of a district. Information contained in such reports may be considered in making determinations by the agency regarding a district's accreditation status.

.200. Principles-- Standards-- General Orientation.

(a) Principles state the general characteristics of an effective educational program operated by a school district. They represent overall statements of obligations resting upon a district to maintain an accredited status. Accord with the spirit of a given principle and of all principles combined is a matter to be judged by the district based upon its own evaluation, and reviewed by the agency. Such judgments go beyond mere summation of the compliance by the district with the standards and indicators listed below each principle. Each principle is broad and the standards listed under it focus attention upon selected components of the principle. Thus each principle offers a challenge to the district to raise its degree of attainment toward excellence.

(b) Standards are stated as observable conditions in, or arrangements made by, a school district. They highlight crucial components in the attainment of each principle, but not necessarily all components. The total set of standards provides broad direction to district authorities as they plan for improving the effectiveness of their educational programs, even if accreditation were not involved. For accreditation purposes, the standards are regulations and constitute criteria for

assessing whether the district's performance is satisfactory. Assessment is to be made by the district itself as the primary evaluator, with provision for review for the agency. Recognizing the standards are broad in coverage and intent, the district interprets each standard in light of local conditions. The agency will give the fullest consideration possible to the district's judgments in interpreting these standards.

(c) Indicators appear below most standards. They are integral components of the standards and as such, are required conditions that the district is obligated to meet. However, indicators attempt to direct attention only to selected components of the standard which should not be overlooked. They do not completely define the standard. Most indicators are stated as guides for the district's own officials to use in examining the program and reaching responsible conclusions about whether that aspect of the program being evaluated is satisfactory. Some indicators cite regulatory materials placed in the appendix (Rules .310-.395) because of its length and/or complexity.

Occasionally, an indicator requires a particular methodology. This may be because a statute so prescribes; or it may be because high correlation has been found between that which is required and the results desired. If a district has good reason to believe it can get equal or better results by using different methodology or logistics, it is invited to take advantage of the provision in Rule .160(d).

(d) Notes. In addition, occasional use is made of explanatory items which are not regulations. These are referred to as "notes" placed under a principle, standard, or indicator. They give clarification on procedures or limitation, or describe additional options which a district has in interpreting the standard or indicator.

.210. Principle 1. Conditions existing and developing within the community served by the district are conducive to maintaining a quality educational program.

Standards:

(a) Citizens of the district are making efforts in good faith toward strengthening their schools by using state-authorized taxing capacity.

Indicators:

(1) The district uses an effective tax rate which denotes a reasonable effort to utilize its actual capacity.

(2) Citizens of the district are using bonding capacity to discharge obligations for suitable physical plant and equipment.

(b) Patrons and citizens exhibit interest in, and provide a climate of support conducive to, effective operations of the district.

Indicators: Commitment to providing all children adequate opportunity to learn, and maintaining requisite

standards of quality for teaching and learning, is reflected by citizen and patron actions toward policies and practices of their schools.

(c) Arrangements exist among civic organizations, local government agencies, nonpublic schools, and the school district for sharing of resources in serving the community, and for appropriate participation in decisions affecting the district.

Indicators:

(1) The district has a process for informing the community about the educational program.

(2) The district has a process for exchanging information with nonpublic schools in or near the district regarding educational programs or projects of mutual interest and concern, and procedures for transfer students are defined.

(d) The legally constituted district board of trustees demonstrates its obligation to the citizens it represents by

(1) causing educational goals to be formulated, adopted, and publicized;

(2) designing and adopting policies and budgets for pursuing those goals through effective school operations;

(3) appraising the district's performance in attainment of its goals for student development; and

(4) reporting the results of such appraisals.

.220. *Principle 2.* The district is in continuous compliance with constitutional and statutory law.

Standards:

(a) The board of trustees keeps informed on applicable law, makes reliable interpretations thereof, and monitors compliance of its operations with law.

(Note 1. The board is legally responsible for law-abiding operations. Reliance by the board solely upon external monitoring and evaluations to test compliance with some law, does not necessarily meet this standard.)

(Note 2. Proven noncompliance with law makes a district liable to accreditation sanctions. Noncompliance quickly corrected by the district may not evoke punitive sanctions, but can raise questions about the adequacy with which Standard 2(a) is being met.)

(b) The superintendent is responsible for keeping the board of trustees informed of its obligations under the law.

.230. *Principle 3.* Internal arrangements for governance and leadership in the district organization are conducive to desirable moral, systematic accountability, educational improvement, and fiscal responsibility.

Standards:

(a) Division of responsibility and authority between the board of trustees and its superintendent recognizes the prerogatives of the board as the policy-

making and appraisal body of the district and ensures that the superintendent has the authority, responsibility, and decision-making power necessary to administer the operations of the district.

Indicators:

(1) The division made is clear and stable, and is honored by the board and the superintendent. It causes the rest of the organization to be responsive to the leadership and direction of the superintendent. In practice, it produces top-management teamwork.

(2) Periodic appraisals are made of the results being produced by the division of authority between board and superintendent, and changes which improve the organization are made.

(3) Specific provision is made for appraisal of the superintendent's performance and the results are used to strengthen the overall effectiveness of the district.

(Note: The appraisal should be conducted in such a way to ensure that the superintendent is encouraged to report objectively and factually upon all aspects of the operations of the district.)

(b) Standard 1d (Rule .210(d)) applies.

(c) Organization members and units are committed to achieving the district's goals.

(Note: See Standard 4a (Rule .240) for description of the district's goals.)

Indicators:

(1) Attention to the goals is emphasized by the board and by all levels of district leadership.

(2) Instructional designs are targeted toward goal achievement.

(3) Financial and staffing plans show explicit intent to attain priority objectives adopted by the board.

(d) The district is guided by explicit policies. These are written and are readily accessible to organization members, students, and citizens. Policies are continuously updated. They are heeded and applied by the board, the superintendent, and other responsible school personnel.

Indicators:

(1) Policies adopted by the board and its administrative officers are in writing, made known, and made accessible in compliance with legal requirements for due process.

(2) Coverage by policies is comprehensive. Especially crucial are policies covering:

(A) employees-- responsibilities, rights under employment status, performance evaluation, retention/dismissal, contracts and assignments, job descriptions, and procedural safeguards as required by law;

(B) students-- responsibilities, rights, and conditions leading to suspension or other disciplinary sanctions, and procedural safeguards as required by law.

(C) student transfers into and out of the district;

(D) maintenance of fiscal responsibility;

(E) matters on which Texas statutory law and regulations direct the district to adopt policies; and

(F) accident and fire prevention, and health and safety provisions, including requirements for annual written verification that applicable standards are met.

(e) To ensure effective implementation of its policy and strategy decisions, the district seeks constructive participation during the formulation of such decisions of various persons who have a direct interest. Concern for making decisions work is apparent on the parts of personnel who implement them.

Indicators:

(1) The board and administrators solicit participation, as appropriate, from district personnel, citizens, patrons, and students in shaping operational strategies.

(2) The board holds regularly scheduled meetings which are open to the public as prescribed by law. Administrators maintain procedures for openness to advice from concerned parties.

(3) Evaluation of programs involves both administrators and other appropriate personnel. Results are freely shared with district personnel and citizens, in ways they can understand.

(f) Governance works continuously to improve organizational effectiveness, and fiscal responsibility of the district.

Indicators:

(1) Systematic arrangements to effect improvements are maintained for monitoring, evaluating, and correcting operations.

(2) Operating procedures, consonant with best practice in other similar districts, are established. Effective and prudent provisions for staffing include recruiting, selecting, contracting with, assigning, evaluating performance, providing inservice training, compensating, and retaining or terminating.

(3) Duties, responsibilities, authority, interrelationships among positions, and expected performance are clearly specified for administrative and supervisory positions.

(4) Procedures for fiscal budgeting, budget control, and cost analysis which enhance accountability and fiscal responsibility are established and regularly updated. The procedures are applied to all the district's operations (e.g., programs operated with grant funds, food services, extracurricular activities, etc.)

(5) Systematic assessment and evaluation of the job performance of employees is operated on a regular cycle. Employees covered by the evaluation process have a voice in the development, implementation, and refinement of the process.

(6) Standard 2a (Rule .220(a)) applies.

(g) Principle 4 and related Standards (Rule .240) apply.

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

Doc. No. 772099

M. L. Brockette
Commissioner of Education

Effective Date: May 17, 1977

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

State Board of Insurance Rating and Policy Forms

Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended its Rule 059.05.01.001 which adopted by reference Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements by:

(1) adding a rule to Rule 38, Private Passenger Automobile Classifications of the Private Passenger Section;

(2) revising Section A, paragraph 5, of Rule 37-Premium Determination-- Private Passenger Automobile Section;

(3) revising Section B, paragraph 6, Premium Determination of Texas Driving Insurance Plan, Rule 39;

(4) revising the exception under Note 3, Rate Sheet 2, Medical Payments Rates and Personal Injury Protection Rates.

These amendments are proposed under the authority of Article 5.01 of the Texas Insurance Code.

.001. *Rules and Rates Governing the Insuring of Automobiles and Standard Endorsement.* The State Board of Insurance adopts by reference the attached Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements as amended in March, 1977. This document is published by and available from Texas Automobile Insurance Service Office, American Bank Tower, Suite 350, 221 West Sixth Street, Austin, Texas.

Issued in Austin, Texas, on April 25, 1977.

Doc. No. 772097

Pat Wagner
Deputy Chief Clerk
State Board of Insurance

Effective Date: June 1, 1977

For further information, please call (512) 475-3486.

State Department of Public Welfare

Work Incentive Program

Overview 326.56.10

The Department of Public Welfare has updated its policies for the Work Incentive Program (WIN) by amending, repealing, and adding rules, the proposals of which were published in the February 8, 1977, issue of the *Texas Register*.

The WIN Program is a major effort to accomplish the goal of self-support. The program is designed to encourage changes in the Aid to Families with Dependent Children (AFDC) recipient to enable him or her to meet economic needs more effectively and independently.

The majority of the amendments simply clarify the rules' meaning. The content of the rules which are repealed either is covered in other department rules or is not considered substantive. The new rules are additions to the definition of WIN terms.

The department did receive comments about the proposed changes. Several of the comments objected to proposed deletions of content. While some of the deletions were to remove obsolete material, many of them represented an effort to remove internal, non-substantive material from rules filed with the Office of the Secretary of State. This latter content will be retained in the WIN Handbook, which is used by department staff and is available for public inspection. Since Rule 326.56.20.005 is being repealed, an objection to its content was inapplicable.

As a result of the comments, slight changes have been made in Rules 326.56.10.008(d), 326.56.30.013(b), and .014(a) for clarification. The objection to Rule 326.56.10.014 about final decision resting with TEC/WIN in all cases cannot be negotiated since federal regulations are specific in this area.

The following amended rules have been approved by the State Board of Public Welfare and are adopted under the authority of Article 695c, Texas Civil Statutes.

.001. Definitions.

(a) The Work Incentive Program (WIN) represents the joint efforts of the State Department of Public Welfare and the Texas Employment Commission. The Texas Employment Commission, under the U.S. Department of Labor regulations, provides mandated employment services for Aid to Families with Dependent Children (AFDC) recipients to enable them to become economically self-sufficient. The Department of Public Welfare, under the U.S. Department of

Health, Education, and Welfare regulations, provides approved social services for the same AFDC recipients to enable them to engage in employment, training, or other manpower programs.

(b) Self-support remains one of the major program goals for AFDC recipients. The Work Incentive Program is a major effort to accomplish this goal. Every recipient of AFDC, unless exempt, must register for participation in the program as a condition of financial eligibility. The program is designed to encourage changes in the AFDC recipient to enable him to meet his economic needs more effectively and independently, thereby allowing the recipient a higher degree of self-motivation. The recipient has the right to be treated as an individual, the right to express personal feelings and preferences, and the right to be recognized as a person of worth.

.002. *Separate Administrative Unit.* The Department of Public Welfare, as required by law, has placed its responsibilities for the management and operation of the WIN program within a unit of social services staff known as the Separate Administrative Unit (SAU). Even though the name SAU has been given to this unit, the workers provide social services to people served by the department through the WIN Program.

.003. *Responsibility of the Texas Employment Commission.*

(a) TEC/WIN has the responsibility to provide employment services to WIN Program clients and to maintain close communication and coordination with the DPW Separate Administrative Unit and financial services staff.

(b) In fulfilling this responsibility TEC/WIN:

(1) registers AFDC applicants/recipients who are referred by financial services staff and those who voluntarily register;

(2) appraises all registered AFDC recipients to establish an employability plan;

(3) selects registered AFDC recipients who will receive services from both agencies;

(4) requests, in coordination with the SAU, the initial social services that are provided to the AFDC clients in the WIN Program;

(5) provides the employment services that the AFDC clients need to help them to reach the goal of self-support. Employment services, by law, fall into the categories of orientation, intensive manpower services, institutional training, work experience, WIN/OJT (on-the-job training), WIN/PSE (Public Service Employment), suspense, and placement in unsubsidized employment; and

(6) de-registers WIN registrants from the WIN Program, when appropriate.

.004. Responsibility of DPW Separate Administrative Unit.

(a) The responsibility of the SAU is to provide social services to WIN Program clients

(b) In fulfilling this responsibility the SAU:

(1) assesses, prior to appraisal, the potential recipients of WIN services, if this is needed according to project activity, in order to ensure the best and most complete service delivery to the client;

(2) assesses and discusses jointly with TEC/WIN and the potential WIN clients, all service needs in order to develop the social service plan, and assist in the development of the TEC/WIN employability plan;

(3) develops resources needed to provide to the client those social services listed in the social services plan, and then arranges for or provides such services to the client;

(4) certifies to TEC/WIN that the requested social services have been provided or arranged for WIN registrants;

(5) continually monitors the client's social services and employability plans in order to provide additional social services the client may need and to assist the clients in their transition from AFDC recipients to self-supporting individuals;

(6) provides 60-day counseling to individuals who need it.

.005. Responsibilities of DPW Financial Services Income Maintenance Unit.

(a) The responsibilities of the Department of Public Welfare financial services Income Maintenance Unit (IMU) in relation to the WIN Program are:

(1) the financial services staff in the WIN project areas determine whether a person applying for or receiving AFDC must register for the WIN Program;

(2) the financial services staff provides information to those individuals exempt from WIN registration so that they may volunteer;

(3) the financial services staff refers those who must register and those who wish to volunteer to the WIN office;

(4) the financial services staff provides information to TEC/WIN and SAU on changes that occur to the AFDC clients registered for WIN.

.006. Separate Administrative Unit (SAU) Workers.

(a) The following is a list of activities that SAU workers perform:

(1) appraise client's social services needs at the time of the appraisal interview;

(2) develop the social services plan and assist in the development of the employability plan;

(3) provide or arrange social services to encourage client participation in the program;

(4) certify to TEC/WIN that social services have been arranged and that the client is ready for employment services;

(5) identify and periodically assess the client's social services needs;

(6) provide 60-day counseling to a WIN registrant who refuses to continue participation after the individual has been certified or at any subsequent stage in the client process;

(7) coordinate service delivery with TEC/WIN, other department staff and community resources;

(8) assist the SAU supervisor in the search for and development of community resources.

.007. Clients Served.

(a) The WIN Program provides services to AFDC recipients in the project areas who have registered for the program. TEC/WIN selects from those registered those who are to participate. While availability of funds limits the number who can be served, every effort is made to serve all who have registered. Those registered but not selected may be considered for referral to the other services available within the area with the intent of future provision of WIN services.

(b) Those selected by TEC/WIN and subsequently certified by the SAU are provided with TEC/WIN employment services and DPW-SAU social services.

.008. Joint Operating Procedures.

(a) In the WIN Program, the three categories of services provided are employment services, social services, and financial services.

(b) The applicant/recipient of AFDC who is required to register or who wishes to volunteer for the WIN Program must be referred to the family services staff.

(d) The AFDC applicant/recipient is referred to TEC/WIN for registration. TEC/WIN staff registers the person and, with the SAU, appraises the client's employment and social services needs. After appraisal, development of the employability plan and social services plan, and selection by TEC/WIN, the SAU will provide the social services needed and requested by TEC/WIN. The AFDC recipient can then be certified as ready for WIN employment services.

(e) The TEC/WIN employability plan and DPW-SAU social services plan will be carried through to completion.

Issued in Austin, Texas, on April 19, 1977.

Doc. No. 771983

Raymond W. Vowell
Commissioner

State Department of Public
Welfare

Effective Date: May 9, 1977

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

Legislative Report

Criminal Justice

HB 234, dealing with photographing children in the course of an investigation, and HB 237, relating to the detention of a child, were reported out of the House Judiciary Committee on April 20.

Three proposed state constitutional amendments relating to denial of bail in certain circumstances (HJR 4, HJR 41, and SJR 3) were referred to House Constitutional Amendments subcommittee on April 20.

HB 108, outlining the visitation privileges of inmates, was referred to the House Social Services Subcommittee on Correctional Institutions on April 20.

After passage by the House on April 21, HB 945, allowing execution by injection of a lethal substance, was referred to the Senate Jurisprudence Committee on April 26.

SB 87, raising the penalties for unauthorized uses of food stamps, was sent to the governor on April 25. The bill was passed by the Senate on February 16 and by the House on April 21.

Economic Development

A new law changing all statutory references from "workmen's" compensation to "worker's" compensation will go into effect on July 24. The law, passed as HB 455, was signed by the governor on April 25.

Education

HB 750, the major public school finance bill, was referred to the Senate Education Committee on April 26. The bill was passed by the House on April 20.

A bill which would allow the state to provide certain textbooks to private school students (SB 140) was reported favorably from the Senate Education Committee on April 25.

Energy

SB 407, requiring individual gas and electric meters for apartment units, was referred to House Business and Industry subcommittee on April 25.

The adoption by both houses on April 25 of the conference committee report on SB 185, giving coal slurry pipelines the right of eminent domain, cleared the way for the bill to be sent to the governor on April 27. The conference committee was appointed to resolve the differences between House and Senate versions of the bill.

Government Administration

HB 834, allowing governmental bodies to charge fees for providing public information, was referred to House State Affairs subcommittee on April 25.

A bill which would require the state to pay state employees' social security taxes (SB 20) was passed by the Senate on April 25.

Two House bills were signed into law by the governor on April 25. HB 628, requiring that notices of all state job openings be posted with the Texas Employment Commission in Travis County, took effect immediately on signing. HB 828, requiring the Chief Justice of the Texas Supreme Court to deliver a state of the judiciary message to the legislature at the beginning of each regular session, will go into effect on July 24.

According to the rules of the House and Senate, SB 820, the Southern Growth Policies Agreement, will have a difficult time passing this session. After passage by the Senate on March 21, the bill failed to pass on second reading in the House on April 20. In order for the bill to be considered again, a representative who voted against it on second reading would have to make a successful motion to reconsider the vote by which the bill failed. The bill would then be voted on second reading again. If it passed, it would still have to be read and passed a third time in the House. However, an identical bill introduced in the House (HB 1159) was reported favorably from the House Business and Industry Committee on March 28. No further action has been taken on HB 1159 at this time.

Human Services

SB 541, requiring that prerelease arrangements be made for follow-up and outpatient care for mental patients in state facilities, was passed by the Senate on April 26.

Tax

A bill which would exempt broadcast stations from the sales tax (HB 1831) was reported favorably from the House Ways and Means Committee on April 25.

The bill which would create a property tax code for Texas (HB 846) was passed by the House on April 21 and referred to the Senate Economic Development Committee on April 26.

The governor signed HB 694, exempting periodicals from the sales tax, on April 25. The new law will take effect on July 24.

House of Representatives

Bills Introduced

Committee Referrals

HSR 76 Weddington-- Granting permission to Professor Janice May's upper division government class of The University of Texas to use the House chamber. (House Administration)

HCR 143 Lalor-- Memorializing Congress to enact legislation prohibiting participation in and support of foreign discriminatory boycotts. (State Affairs)

HB 2213 Powers-- Creating and establishing a conservation and reclamation district known as "Meeker Municipal Water District". (Natural Resources)

HB 2214 Evans-- Relating to the District Attorney of the 53rd Judicial District, his duties and powers, and the duties of the County Attorney of Travis County. (Judicial Affairs)

HB 2215 Simpson-- Relating to the judge of the court of domestic relations for Potter County. (Intergovernmental Affairs)

HB 2216 Collazo-- Enabling the governing body of the city of Port Arthur with respect to the waters of Lake Sabine within the corporate limits of the city, to designate or otherwise regulate by ordinance certain areas of said lake as bathing, fishing, swimming, recreational or otherwise restricted areas. (Intergovernmental Affairs)

HB 2217 Rudd-- Relating to the membership of the Andrews County Juvenile Board. (Intergovernmental Affairs)

SB 2218 Florence-- Relating to an archery season in Morris County. (Environmental Affairs)

Senate

Bills Introduced

Committee Referrals

SB 1277 Jones of Harris-- Relating to contracts for the furnishing of municipal services between certain counties and municipalities. (Intergovernmental Relations)

SB 1278 Jones of Harris-- Relating to the regulation of ambulance service and ambulance service personnel, communications, public education, hospital categorization, and encouraging rescue services by the Emergency Medical Services Division of the State Department of Health Resources. (Human Resources)

SB 1280 Clower-- Relating to cattle guards on county roads. (Natural Resources)

SB 1281 Doggett-- Relating to authority of the Texas Department of Community Affairs to contract with Big Brothers of America. (Human Resources)

SB 1282 Sherman-- Relating to and establishing the boundaries of the Red River Authority of Texas and adding additional land to the Authority. (Natural Resources)

SB 1283 Mengden-- Relating to the identification of the area comprising the Klein Independent School District as the community of Klein. (Intergovernmental Relations)

SB 1284 Jones of Taylor-- Relating to clarifying that consignment is not a requirement of temporary tax situs. (Economic Development)

SB 1285 Hance-- Relating to the compensation of the shorthand reporters of the county courts at law of Lubbock County. (Intergovernmental Relations)

SB 1286 Adams-- Relating to the maintenance of bonds and insurance and the renewal of licenses in the regulation of liquified petroleum gas. (Natural Resources)

SB 1287 McKnight-- Authorizing the Texas Employment Commission to sell certain state-owned land and use the proceeds to acquire other land and buildings. (Administration)

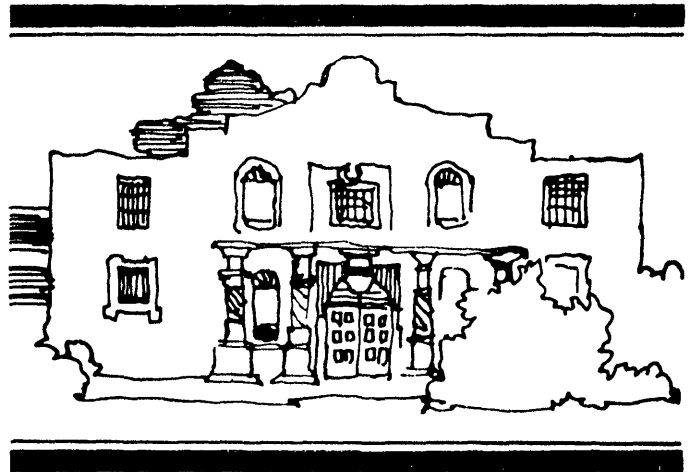
SCR 91 Mengden-- Memorializing Congress to seek the establishment of a post office in Klein, Texas. (Intergovernmental Relations)

SCR 92 Doggett-- Granting Carl Clausen permission to sue the State of Texas. (Administration)

SB 1288 Williams-- Providing for the creation of the child support services department by the Commissioners Court of Harris County. (Intergovernmental Relations)

SB 1289 Jones of Taylor-- Relating to contracts, bonds, and taxes of the Runnels County Water Authority. (Natural Resources)

SR 581 Ogg-- Creating a special select committee to study the recreational, ecological, safety, and economic aspects in use of Texas beaches by general public. (Administration)



Bill Status

The following are bills and resolutions being considered by the 65th Texas Legislative Session. The list does not include every bill and resolution. Those appearing here have been chosen by the *Texas Register* according to a set of criteria to establish them as having statewide rather than local or regional impact; or creating a notable fiscal consideration; or causing a reasonable expectation of significant effect on current statewide public policy; and promising some reasonable chance of passage. The criteria were applied to each bill and resolution when introduced. Through the course of the session, some of the criteria failed to justify the judgment to include the entry in the list. However, the list will remain cumulative, and the status

of each bill and resolution will appear in each issue of the *Register* until the end of the session.

The bills covered in the legislative report of this section of the *Register* throughout the current session have been monitored from the following bill status list.

Each entry contains the number, author, a brief caption of its content, and the most recent action taken on it in the legislative process prior to the publication deadline of each issue of the *Register*.

House of Representatives

HB 1 Wyatt, Allen-- Relating to the reduction of and exemptions and exclusions from various state taxes and making changes in the administration, collection, and enforcement of certain state taxes. Referred to Senate Committee on Economic Development. 2-28

HB 2 Massey-- Relating to financing public school education. Referred to House Committee on Public Education. 1-12

HB 3 Nugent-- Relating to the allocation and use of revenue received from sales and use taxes on the sale of motor vehicles, lubricating oils, parts, accessories, and tires. Effective immediately. 4-14

HB 9 Head-- Relating to time to be served of the maximum sentence imposed before eligibility for parole. Referred to House Committee on Criminal Jurisprudence. 1-12

HB 10 Leland-- Creating a State Formulary Commission allowing prescription drug product selections by pharmacists. Considered by Senate Committee on Human Resources in public hearing. 4-21

HB 11 Leland-- Allowing licensed pharmacists to advertise certain services and the contents of the poster listing the 100 most prescribed drugs in Texas. Referred to subcommittee of the House Committee on Health and Welfare. 3-14

HB 17 Miller-- Relating to the imposition, collection, and administration of an occupation tax on refiners of motor fuel and diesel fuel. Referred to House Committee on Ways and Means. 1-12

HB 19 Leland-- Relating to the creation, authority, responsibility, and procedures of the office of correctional ombudsman. Referred to House Committee on Social Services. 1-12

HB 22 Sullivant, et al-- Relating to the valuation of open-space land. Passed by the Senate. 4-20

HB 23 Clark of Harris, Green of Harris, et al-- Relating to authorizing and regulating group marketing of motor vehicle insurance. Reported favorably from House Committee on Insurance with amendments. 3-28

HB 26 Evans-- Automatic termination of Regulatory Agencies Act. Referred to House Committee on State Affairs. 1-12

HB 31 Green of Harris-- Relating to compulsory liability insurance for certain vehicles and amending the Texas Motor Vehicle Safety-Responsibility Act. Reported from subcommittee of House Committee on Insurance favorably with amendments. 3-15

HB 32 Green of Harris-- Providing for a hearing before certain utilities may charge customers for increased fuel costs. Referred to subcommittee of House Committee on State Affairs. 1-26

HB 41 Johnson-- Relating to allowing pregnant women who meet the eligibility benefit conditions of the act to qualify for unemployment compensation. Reported from House Committee on Labor with substitute. 3-30

HB 54 Kaster-- Removing the power of eminent domain from the Parks and Wildlife Department. Referred to Subcommittee on State Parks of House Committee on Environmental Affairs. 2-7

HB 55 Vale-- Relating to settlement and judgment awards recovered by certain municipally owned gas or electric utilities. Referred to House Committee on Energy Resources. 1-13

HB 56 Vale-- Relating to the determination of the average residential user's minimum energy needs and establishing rates for these needs. Referred to House Committee on Energy Resources. 1-13

HB 57 Vale-- Relating to rates and fuel adjustment charges charged by certain public utilities. Referred to House Committee on Energy Resources. 1-13

HB 59 Johnson, Allen-- Relating to the creation, administration, and financing of a housing rehabilitation program involving the state and certain local governments. Referred to House Committee on State Affairs. 1-13

HB 60 Wilson of Fayette-- Increasing the minimum reimbursement percentage rate from the Department of Highways and Public Transportation to cities and counties for the acquisition of certain rights of way. Referred to House Committee on Ways and Means. 1-13

HB 61 Wilson of Fayette-- Relating to exempting from the Limited Sales, Use, and Excise Tax Act the sale, production, distribution, lease, or rental of, and the storage, use, or other consumption in this state of gas and electricity. Referred to subcommittee of House Committee on Ways and Means. 2-14

HB 64 Johnson, Allen-- Creating a public agency of the State of Texas to be known as the Texas Housing Finance Agency. Referred to House Committee on State Affairs. 2-17

HB 65 Hartung-- Decreasing the rate of the Limited Sales, Use, and Excise Tax to three percent. Referred to subcommittee of House Committee on Ways and Means. 2-14

HB 68 Vale-- Providing services for the diagnosis and correction of speech and hearing defects to students in nonpublic schools. Referred to House Committee on Public Education. 1-13

HB 69 Vale-- Providing tuition assistance grants to families with financial need. Referred to House Committee on Public Education. 1-13

HB 79 Hubenak-- Relating to transportation cost allotments under the Foundation School Program. Referred to House Committee on Public Education. 1-13

HB 80 Hubenak-- Relating to supplemental allocations from the Foundation School Fund to school districts with increased enrollments. Referred to House Committee on Public Education. 1-13

HB 82 Hubenak-- Relating to the creation of the Local Educational Equalization Fund. Referred to subcommittee of House Committee on Ways and Means. 4-11

HB 84 Bird-- Relating to the competence of a defendant to stand trial in a criminal proceeding and making provisions for the defendant found incompetent to stand trial. Referred to subcommittee of House Committee on Criminal Jurisprudence. 1-25

HB 85 Uher-- Relating to the redetermination of the price of certain natural gas. Considered by House Committee on Energy Resources in public hearing. 3-30

HB 86 Uher-- Relating to hearings and determinations on certain natural gas contract provisions. Considered by House Committee on Energy Resources in public hearing. 2-22

HB 88 Weddington et al-- Providing for the holding of presidential primary elections. Reported from House Elections Committee with substitute. 4-18

HB 93 Bryant-- Prohibiting the expenditure of public funds of political subdivisions to influence the outcome of elections. Referred to House Elections subcommittee. 4-13

HB 97 Ribak-- Relating to the right of defense counsel to inspect a probation report. Signed by the governor, effective immediately. 4-6

HB 99 Bock-- Relating to probation and parole. Referred to subcommittee of House Committee on Criminal Jurisprudence. 1-25

HB 101 Hubenak-- Relating to the creation of the Local Educational Equalization Fund; providing for the dedication of certain sales tax receipts to the new fund; providing for the allocation and distribution of equalization funds to school districts. Referred to subcommittee on House Committee on Ways and Means. 4-11

HB 103 Head-- Relating to temporary speed limits as set by the State Highway Commission. Referred to House Transportation Subcommittee on Motor Transportation 4-12.

HB 104 Fox-- Relating to placement of names of candidates on the official ballot for a public election. Referred to subcommittee of House Committee on Elections. 3-23.

HB 108 Hall of Harris-- Relating to visitation privileges of inmates of the Texas Department of Corrections. Referred to House Social Services Subcommittee on Correctional Institutions 4-20.

HB 111 Hall of Harris-- Relating to unemployment compensation benefits. Referred to House Committee on Labor. 3-15.

HB 113 Chavez-- Relating to payment of fees, court costs, restitution, and reparations by adult probationers. Reported favorably without amendments by House Committee on Criminal Jurisprudence. 3-30.

HB 119 Washington-- Relating to the selection of a grand jury and to procedures before a grand jury. Referred to subcommittee of House Committee on Criminal Jurisprudence. 2-8.

HB 122 Washington-- Relating to the time for the examining trial and for the grand jury inquiry into an offense. Referred to House Committee on Criminal Jurisprudence. 1-17.

HB 123 Green of Navarro-- Relating to the definition of public utility. Reported from House Natural Resources subcommittee with substitute 4-18.

HB 133 Wilson of Fayette-- Relating to the imposition, administration, collection, and enforcement of a school district sales and use tax. Referred to House Committee on Ways and Means. 1-17.

HB 134 Wilson of Fayette-- Relating to the imposition, administration, collection, and enforcement of a county sales and use tax. Referred to House Committee on Ways and Means. 1-17.

HB 139 Fox-- Stating the powers and authority of the Railroad Commission of Texas relating to unitization. Considered by House Energy Resources Committee in public hearing 4-5.

HB 140 Hernandez-- Relating to deposits and interest on deposits for certain utility services. Referred to House Committee on State Affairs. 1-17.

HB 141 Hall-- Requiring all state departments, agencies and institutions to list all permanent job openings with the Texas Employment Commission for a specified period of time before listing with any other public or private agency. Referred to House Committee on State Affairs. 1-17.

HB 144 A Hall-- Relating to the administration of the Texas Department of Corrections Work Furlough Program. Reported from House Social Services Committee favorably with amendments 4-20.

HB 147 Massey *et al.*-- Relating to financing public school education; providing full state funding for the Foundation School Program. Laid on the table subject to call 4-20.

HB 154 J Wilson-- Relating to periodic review and termination of certain state regulatory agencies and advisory committees. Considered in formal meeting by subcommittee of House Committee on State Affairs 4-12.

HB 160 Blake-- Relating to the allocation of revenue for farm-to-market roads. Reported favorably from House Committee on Ways and Means without amendments. 3-28.

HB 161 Vale-- Relating to allocations for capital outlay under the Minimum Foundation School Program. Referred to House Committee on Public Education. 1-17.

HB 173 Allen-- Relating to the creation of the office of ombudsman and its powers, duties, privileges, procedures, and qualifications. Considered by subcommittee of House Committee on State Affairs in public hearing 4-4.

HB 174 G Green-- Making it an offense to employ an illegal alien. Referred to subcommittee of House Committee on Labor. 3-21.

HB 750 Kaster-- Relating to the financing of public school education. Assigned to House Emergency Calendar Committee 4-7.

HB 178 Johnson-- Relating to the creation, administration, and financing of a housing rehabilitation program involving the state and certain local governments. Reported from House State Affairs subcommittee with substitute 4-25.

HB 179 Cates-- Establishing ordinance-making power for county commissions. Considered by Senate Human Resources Committee in public hearing 4-21.

HB 185 A Hall-- Relating to the Texas Minimum Wage Act of 1970. Reported from House Labor subcommittee with substitute 4-13.

HB 186 Washington-- Decreasing the rate of the Limited Sales, Excise, and Use Tax to three percent. Referred to subcommittee of House Ways and Means Committee. 2-14.

HB 191 Ribak-- Relating to the establishment in the state treasury of an uninsured motorist fund to be composed of fees required of uninsured motorists upon vehicle registration. Referred to House Insurance Committee. 1-17.

HB 196 Miller-- Relating to the purchase, inspection, operation, and funding of school buses. Referred to subcommittee of House Transportation Committee. 3-29.

HB 200 Polombo-- Relating to the jurisdiction of the Public Utility Commission of Texas over contracts for the sale of water between political subdivisions. Referred to subcommittee of House Natural Resources Committee. 2-2.

HB 201 Whitehead-- Relating to mentally ill criminal defendants and prisoners. Referred to subcommittee of House Criminal Jurisprudence Committee. 2-8.

HB 204 Rains-- Relating to financing public school education. Referred to subcommittee of House Public Education Committee. 2-15.

HB 205 Hudson-- Relating to day care centers for certain children; and establishing an Advisory Committee on Day Care Centers. Referred to House Health and Welfare Committee. 1-18.

HB 218 Gaston-- Relating to the punishment for an offense, other than a capital felony, committed with a firearm. Referred to House Criminal Jurisprudence Committee. 1-18.

HB 221 Semos-- Relating to bail pending appeal. Referred to subcommittee of Criminal Jurisprudence Committee. 2-15.

HB 224 Caraway-- Relating to the prevention and treatment of alcohol abuse and alcoholism; providing for admission and commitment to treatment facilities; regulating treatment facilities. Reported from House Health and Welfare subcommittee with substitute 4-18.

HB 229 Sullivan, Bird-- Prohibiting telecommunications utilities from charging for and the Public Utility Commission from approving charges for telephone directory assistance. Considered by House State Affairs subcommittee in public hearing 4-13.

HB 233 Maloney-- Relating to the effect in juvenile delinquency proceedings of the testimony of an accomplice. Reported favorably from House Judiciary Committee without amendments. 4-12.

HB 234 Maloney-- Relating to photographing children in connection with the investigation of criminal offenses. Reported from House Judiciary Committee with substitute 4-20.

HB 235 Maloney-- Relating to a criminal offense of failure to supervise a child. Referred to subcommittee of House Criminal Jurisprudence. 2-22.

HB 236 Maloney-- Relating to payments for the support of a child detained pending adjudication of a petition alleging delinquent conduct or conduct indicating a need for supervision. Reported favorably without amendments from House Judiciary Committee. 4-12.

HB 237 Maloney-- Relating to the grounds for the detention of a child taken into custody. Reported from House Judiciary Committee with substitute 4-20.

HB 238 Maloney-- Relating to the taking of a child into custody by a probation officer. Reported favorably without amendments from House Judiciary Committee. 4-12.

HB 239 Maloney-- Relating to the prosecution as adults of persons 15 years old or over who are alleged to have committed certain offenses.

Referred to subcommittee of House Criminal Jurisprudence Committee, 2-22.

HB 241 G. Green-- Relating to authorization and regulation of group marketing of motor vehicle insurance for persons over 55 years of age. Considered by House Insurance Committee in public hearing, 3-15.

HB 246 Torres-- Relating to allocation of funds under the Foundation School Program for the education of certain alien students. Referred to House Public Education Committee, 1-18.

HB 249 Torres-- Relating to the allocation of personnel units under the Foundation School Program to school districts that experience marked increases or decreases in daily student attendance because of the enrollment of children of migrant agricultural farm workers. Laid on the table subject to call 4-20.

HB 258 L. Jones-- Relating to fraud in obtaining information concerning public assistance. Considered by House Health and Welfare Committee in formal meeting 4-4.

HB 259 L. Jones-- Relating to penalties for certain unauthorized uses of food stamp coupons and authorizations to purchase food stamp coupons. Considered by subcommittee of House Health and Welfare Committee in formal meeting, 3-23.

HB 261 G. Green-- Relating to possession of a firearm by a felon, a person found incompetent to stand trial on a felony charge, or a person acquitted of a felony by reason of insanity. Referred to House Criminal Jurisprudence Committee, 1-18.

HB 266 Cates-- Relating to proof of financial responsibility on registration of a motor vehicle. Considered by subcommittee of House Insurance Committee in formal meeting, 2-28.

HB 269 Hudson-- Relating to the disqualification of a trial judge because of political endorsement by a party or an attorney representing a party in a case. Referred to House Committee on Elections, 1-18.

HB 270 Hudson-- Relating to the creation of community service authorities and providing for the issuance of bonds by the authorities. Referred to House Intergovernmental Affairs Committee, 1-18.

HB 271 Madla-- Relating to eligibility of public school students for transportation cost allotments under the Foundation School Program. Referred to House Public Education Committee, 1-18.

HB 272 Madla-- Relating to eligibility of public school students for transportation cost allotments under the Foundation School Program. Referred to House Public Education Committee, 1-18.

HB 276 Madla, Bigham-- Relating to the establishment of a state program to provide compensation to certain victims of crime. Referred to House Health and Welfare subcommittee 4-18.

HB 279 Moreno-- Relating to the duty of landlord and tenant to maintain residential rental premises in a condition fit for human habitation. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.

HB 282 Olson-- Relating to the authority of the Coordinating Board, Texas College and University System, to contract with medical schools, licensed hospitals, and non profit corporations for the purpose of providing state funds to family practice residency training programs. Signed by the governor, effective in 90 days, 4-6.

HB 284 Watson-- Relating to establishing the liability of school districts for certain medical expenses incurred by students injured in certain school athletic programs and requiring school districts to carry insurance to cover their liability. Referred to House Public Education Committee, 1-18.

HB 297 Massey-- Relating to the authority of school districts to charge student fees. Reported from subcommittee of House Public Education Committee with substitute, 3-14.

HB 298 Lalor-- Relating to the uses to which local hotel occupancy taxes may be put. Signed by the governor 4-18.

HB 300 Vaughan, Semos-- Relating to the creation of the Metric System Advisory Council and the study of a transition to the metric system. Referred to Senate Committee on Economic Development, 4-6.

HB 303 Wright-- Relating to the nonpartisan nomination and election of certain judicial officers and the procedures for their nomination and election. Referred to subcommittee of House Elections Committee, 3-23.

HB 304 Hudson-- Relating to the administration of certain federally established day-care programs. Referred to House Committee on Health and Welfare, 1-18.

HB 310 G. Green-- Relating to restrictions on conduct of the members of the State Board of Insurance, the Commissioner of Insurance, and certain persons and entities. Referred to subcommittee of House Insurance Committee, 2-8.

HB 312 Brown *et al*-- Relating to the assessment of student proficiency in basic skills. Referred to House Public Education Committee, 1-18.

HB 319 Bryant-- Relating to the requisites of an indictment, an information, and a complaint. Referred to House Criminal Jurisprudence Committee, 1-18.

HB 331 Weddington-- Relating to authorizing cities to impose certain hotel occupancy taxes to provide funds for the encouragement, promotion, improvement, and application of the arts in the city. Reported favorably from House Business and Industry with amendments, 3-31.

HB 333 Weddington-- Relating to discovery by the defendant of certain statements and conversations. Considered by House Committee on Criminal Jurisprudence in public hearing 4-19.

HB 334 Waters, Allen-- Relating to restoration of voting rights of persons convicted of a felony. Reported with substitute from House Committee on Elections, 4-7.

HB 335 Allen-- Relating to periodic review and termination of certain state regulatory agencies and advisory committees. Considered in formal meeting by subcommittee of House State Affairs Committee, 3-31.

HB 336 Allen-- Relating to the power of the attorney general in environmental matters. Referred to House Judicial Affairs Committee, 1-18.

HB 339 Allen-- Relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies. Referred to House State Affairs Committee, 1-18.

HB 340 Allen-- Relating to a prison inmate's right to inspect information for consideration by the Board of Pardons and Paroles in determining whether to order his parole. Referred to subcommittee of House Criminal Jurisprudence Committee, 2-8.

HB 341 Semos-- Relating to the admission in evidence of statements of an accused. Considered by House Jurisprudence subcommittee in formal meeting 4-5.

HB 348 Lauhoff-- Relating to denial of probation to persons convicted of certain offenses. Referred to House Criminal Jurisprudence Committee, 1-26.

HB 362 J. Clark, Allee-- Relating to the jurisdiction of the Public Utility Commission of Texas over contracts for the sale of water between certain purchasers and political subdivisions. Referred to subcommittee of House Natural Resources Committee, 2-2.

HB 363 Allee-- Relating to certain duties of a landlord and the right of a tenant to make certain repairs. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.

HB 366 Allen-- Relating to proof of financial responsibility on registration of a motor vehicle or issuance or renewal of a license to operate a motor vehicle and maintenance of proof of financial responsibility. Considered by subcommittee of House Insurance Committee in formal meeting, 2-28.

HB 370 Powers-- Relating to enactment of the Medical Liability and Insurance Improvement Act of Texas. Referred to subcommittee of House State Affairs Committee, 2-9.

HB 374 Wright-- Relating to the employment of certain aliens in metropolitan areas. Referred to House Labor Committee, 3-21.

HB 391 M. Garcia-- Relating to the authorization for students and faculty members to serve as nonvoting members of the governing board of each state-supported senior college or university. Reported favorably with amendments from House Higher Education Committee. 3-31.

HB 394 M. Garcia-- Relating to the management and control of encumbered, municipally owned public utility systems. Referred to House Committee on Intergovernmental Affairs. 1-19.

HB 396 Olson-- Relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies. Referred to Committee on State Affairs. 1-19.

HB 400 J. Clark et al.-- Relating to a city's providing fire protection and enforcing its fire protection code in designated industrial districts within its extraterritorial jurisdiction. Reported from House Intergovernmental Affairs Committee with substitute. 4-19.

HB 406 Polumbo-- Relating to prohibiting the employment of illegal aliens. Referred to subcommittee of House Labor Committee. 3-21.

HB 413 Bigham-- Relating to certain meetings to be held by water supply corporations. Referred to subcommittee of Natural Resources Committee. 2-16.

HB 419 Johnson-- Relating to the prohibition of certain discriminatory acts in the provision of financial assistance for the purpose of purchasing, rehabilitating, improving, or refinancing housing accommodations. Referred to subcommittee of House Committee on Financial Institutions. 4-6.

HB 421 Hudson-- Relating to the duty of a landlord to maintain a dwelling unit in safe condition. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing. 4-20.

HB 426 Blythe-- Relating to the imposition, administration, and collection of an occupation tax on refiners of crude oil and petroleum distillates. Referred to subcommittee of House Committee on Ways and Means. 4-11.

HB 427 Johnson-- Relating to the creation of the Texas Fair Housing Commission. Referred to House State Affairs Committee. 1-25.

HB 455 Grant-- Relating to the term "workmen's compensation" in this state, changing it to "worker's compensation." Effective in 90 days. 4-25.

HB 478 Head-- Relating to membership in the state bar, subjecting to certain rules and persons licensed to practice law in this state. Reported favorably with amendments from subcommittee of House Judicial Affairs Committee. 4-6.

HB 501 Lalor-- Establishing a state elections commission to administer state laws regulating the financing of political campaigns and office-related activities of public officers, the filing of financial statements by public officers. Referred to House Committee on Elections. 2-2.

HB 512 Evans-- Relating to the approval of state agency rules by legislative committees. Referred to subcommittee of House State Affairs Committee. 1-31.

HB 513 Evans-- Relating to citizenship and residence requirements for municipal employees. Referred to House Committee on Intergovernmental Affairs. 1-20.

HB 518 Hoestenbach, et al.-- Relating to consideration of certain speeding violations in determining drivers' license suspensions and insurance availability and premiums. Referred to House Committee on Transportation. 1-20.

HB 519 Bock, et al.-- Relating to the creation of the Ad Valorem Tax Relief Fund. Referred to subcommittee of House Ways and Means Committee. 4-11.

HB 531 Gilley-- Relating to proof of financial responsibility in accidents occurring on highways and on property that is not part of a highway and in judgments growing out of the ownership, maintenance, or use of motor vehicles on the highways and on property that is not part of a highway. Referred to House Committee on Transportation. 1-20.

HB 545 Head-- Relating to civil and criminal sanctions against persons committing the offense of driving while intoxicated or under the influence of alcohol. Referred to House Criminal Jurisprudence subcommittee. 4-19.

HB 546 Evans-- Relating to the creation, administration, and functions of the Health and Welfare Services Transfer Board. Considered by House Health and Welfare Committee in public hearing. 4-12.

HB 550 Evans and Olson-- Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Aging and Special Assistance. Considered by House Health and Welfare subcommittee in public hearing. 4-7.

HB 551 Evans-- Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Child and Family Resources. Referred to subcommittee of House State Affairs Committee. 2-2.

HB 555 Orr-- Providing for the regulation and control of automotive repair dealers. Reported favorably from House Business and Industry Committee with amendments. 4-12.

HB 562 Cates-- Relating to a court's instructions to the jury on the laws of parole and commutation of sentence for good behavior. Referred to subcommittee of House Criminal Jurisprudence Committee. 2-22.

HB 563 Hudson-- Relating to capital punishment. Referred to subcommittee of House Committee on Criminal Jurisprudence. 3-1.

HB 564 Alfred and Hartung-- Relating to the sale and purchase of a child. Referred to House Health and Welfare Committee. 1-20.

HB 568 Hernandez-- Relating to reformation of the penalty in a capital case when the Court of Criminal Appeals is divided. Referred to subcommittee of House Criminal Jurisprudence Committee. 3-1.

HB 569 Close-- Relating to the admission in evidence of statements of an accused in a criminal proceeding. Considered in formal meeting of subcommittee of House Criminal Jurisprudence Committee. 3-30.

HB 571 Uher-- Relating to eligibility for probation, parole, and release to mandatory supervision, to conditional pardons, to prisoner classification, and to good conduct time. Referred to subcommittee of House Committee on Criminal Jurisprudence. 3-30.

HB 576 Lewis-- Relating to ineligibility for probation for using or exhibiting a deadly weapon while committing a felony or in immediate flight after the commission of a felony. Referred to subcommittee of House Criminal Jurisprudence Committee. 3-15.

HB 579 Evans-- Relating to periodic review and termination of certain agencies and advisory committees. Considered in formal meeting by subcommittee of House State Affairs Committee. 3-31.

HB 580 Evans-- Relating to a process for legislative review of proposed rules of state agencies. Reported from House State Affairs Committee with substitute. 4-18.

HB 587 Head-- Relating to chemical tests for intoxication. Referred to House Criminal Jurisprudence subcommittee. 4-19.

HB 588 Hale-- Relating to employment contracts of certain teachers in this state. Referred to House Committee on Public Education. 1-20.

HB 592 Evans-- Relating to the exemption of the state from the application of certain provisions of federal law relating to parents patriae antitrust actions. Considered by House Committee on Judicial Affairs in formal meeting. 3-28.

HB 594 Grant, Bird, Salinas, Denton, and Bigham-- Relating to registered nurses and the practice of professional nursing. Referred to House Committee on State Affairs. 3-8.

HB 595 Ribak-- Relating to the creation of a competitive bidding system for the deposit of state funds. Considered by subcommittee of House Financial Institutions Committee in public hearing. 3-7.

HB 597 Washington-- Prohibits the sale of certain items on both the consecutive days of Saturday and Sunday. Referred to subcommittee of House Business and Industry Committee. 3-14.

HB 610 Johnson, Briscoe, Baker, Price, and Robbins-- Providing that

boards of trustees consult with representatives of teachers and groups of auxiliary personnel employed in a school district under certain conditions. Referred to House Committee on Public Education. 3-8

HB 613 Hale, et al. -- Relating to public school education. Considered by Public Education Committee in public hearing. 3-15

HB 623 J. Wilson-- Relating to transferring the responsibilities and functions of the Drug Abuse Prevention Division of the Texas Department of Community Affairs to the Texas Commission on Alcoholism. Referred to Subcommittee on Health of House Health and Welfare Committee. 2-14

HD 628 Weddington-- Relating to a system for gathering and dispensing notices of certain state job opportunities. Effective immediately. 4-25

HB 629 Ribak-- Relating to the creation of a competitive bidding system for the deposit of state funds. Considered by House Committee on Financial Institutions in public hearing. 4-6

HB 631 Caraway and Blythe-- Relating to the creation, administration, powers, duties, functions, and financing of metropolitan water authorities. Referred to House Committee on Natural Resources. 1-24

HB 632 Caraway-- Relating to periodic review and termination of certain state agencies and advisory committees. Considered in formal meeting by subcommittee of House State Affairs Committee. 3-31

HB 640 Lator-- Relating to the conduct and financing of political campaigns for elective public offices and for the office of state chairman of a political party, and to the financing of office-related activities of public officers that are not financed with public funds. Considered by House Elections Committee in public hearing. 4-20

HB 642 Olson-- Creating the Texas Adult Probation Commission and providing for its powers and duties. Referred to House Committee on Criminal Jurisprudence. 1-24

HB 645 Uher-- Amending the Texas Mobile Homes Standards Act. Considered by House Labor Committee in public hearing. 3-29

HB 646 Kaster-- Relating to imprisonment without probation for certain offenses. Referred to subcommittee of House Criminal Jurisprudence Committee. 3-15

HB 657 Blythe, Lauhoff, and A. Hall-- Relating to the creation, administration, and powers of metropolitan rapid transit authorities. Reported from House Intergovernmental Affairs Committee with substitute. 4-19

HB 662 J. Clark, Leland, Hernandez, Watson, Polombo, and Reyes-- Relating to rights of certain public employees and to the creation of a state employer-employee relations board, its duties and powers. Referred to House Committee on State Affairs. 1-25

HB 667 Vale-- Relating to the designation, acquisition, and administration of state wilderness parks. Referred to Subcommittee on State Parks of House Committee on Environmental Affairs. 2-21

HB 680 Collazo-- Relating to certain charges and discounts on bills of public utility customers. Considered by House State Affairs subcommittee in public hearing. 4-21

HB 682 Collazo-- Relating to the number of commissioners of the Public Utility Commission. Considered by House State Affairs subcommittee in public hearing. 4-21

HB 683 Collazo-- Relating to determination and promulgation of rates charged for certain sales of natural gas. Considered in public hearing by House Energy Resources Committee. 2-22

HB 684 Smith-- Relating to exempting from property taxes one motor vehicle belonging to each family or single adult. Considered by subcommittee of House Ways and Means Committee in public hearing. 3-7

HB 694 Wyatt and Florence-- Relating to the application of the sales and use tax to periodicals and to certain property used in the publication and distribution of periodicals. Effective in 90 days. 4-25

HB 701 Smith and Simpson-- Relating to search warrants to search

for and seize evidence of an offense. Referred to subcommittee of House Criminal Jurisprudence Committee. 3-8.

HB 714 Gonzales-- Relating to discrimination based on age in setting motor vehicle insurance. Considered by House Insurance subcommittee in public hearing. 4-19.

HB 722 Davis-- Relating to medical professional discipline and liability. Considered by State Affairs Committee in public hearing. 2-23.

HB 738 Davis-- Relating to the coverage, powers, duties, operation, and financing of the Texas Medical Liability Insurance Underwriting Association. Considered by House State Affairs Committee in public hearing. 2-23.

HB 749 Mayes-- Relating to organized crime and the interception of communications in the investigation of organized crime. Referred to House Criminal Jurisprudence Committee. 1-27

HB 750 Kaster-- Relating to public school education. Referred to Senate Education Committee. 4-26

HB 758 R. Green-- Relating to creation of the Texas Commission of Cosmetologists and Barbers. Considered by House Committee on State Affairs in public hearing. 2-28

HB 763 Keese-- Relating to the rights of teacher organizations in consultation meetings with a board of trustees. Referred to House Committee on Public Education. 1-27

HB 764 Sullivan and Browder-- Relating to the distribution of revenue from the limited sales, excise and use tax. Referred to subcommittee of House Committee on Ways and Means. 4-11.

HB 784 Head-- Relating to number and election of the commissioners of the Public Utility Commission. Referred to subcommittee of House Committee on State Affairs. 3-30

HB 787 Laney-- Relating to the inheritance tax rates for certain persons. Referred to subcommittee of House Ways and Means Committee. 2-14.

HB 791 Caraway-- Relating to limitations on the incorporation of a city within the extraterritorial jurisdiction of another city. Referred to House Intergovernmental Affairs Committee. 2-1

HB 792 Caraway-- Relating to limitations on municipal annexation. Referred to House Committee on Intergovernmental Affairs. 2-1

HB 793 Caraway-- Relating to the expansion of a municipality's extraterritorial jurisdiction after territory is annexed. Referred to House Intergovernmental Affairs Committee. 2-1

HB 794 Semos, Agnich, Johnson, and Cain-- Relating to increasing the maximum hotel occupancy tax for cities to four percent. Reported favorably from House Committee on Business and Industry without amendments. 3-7

HB 796 Millsap-- Relating to information about and programs to control and reduce the size of state government. Reported favorably from State Affairs Committee without amendments. 3-7

HB 799 Delco-- Relating to financial support for instructional television services. Reported favorably without amendments from House Committee on Public Education. 4-5

HB 802 Wyatt-- Relating to unemployment compensation. Referred to subcommittee of House Labor Committee. 3-15

HB 804 Blythe-- Relating to the imposition and administration of a tax on producers of coal. Referred to House Ways and Means Committee. 2-1

HB 806 Weddington-- Relating to the creation and administration of a state employee development fund. Referred to House State Affairs Committee. 2-1

HB 828 Grant-- Relating to the delivery of a state of the judiciary message by the Chief Justice of the Supreme Court. Effective in 90 days. 4-25

HB 833 Hoestenbach-- Relating to the employment of teaching assistants by institutions of higher education. Referred to Senate Committee on Education. 3-21.

HB 834 Gaston, Agnich, McDonald, and Smith-- Relating to reasonable charges by governmental bodies for providing the public with access to information. Referred to House State Affairs subcommittee 4-25.

HB 839 Davis-- Relating to raising revenue for the support of state government. Referred to subcommittee of House Ways and Means Committee. 2-14.

HB 844 Hoestenbach-- Authorizing the voters of a county to decide by election if the law prohibiting certain sales on consecutive Saturdays and Sundays applies in the county. Referred to subcommittee of House Business and Industry Committee. 3-14.

HB 845 Waters-- Relating to a warranty of habitability of rental residential premises. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.

HB 846 Peveto, et al -- Adopting a property tax code and conforming provisions, amendments, and repeals. Referred to Senate Economic Development Committee 4-26.

HB 848 Ceverha and Blanton-- Relating to the penalty for the driving of a motor vehicle while under the influence of a controlled substance. Reported favorably without amendments from House Committee on Criminal Jurisprudence. 4-5.

HB 858 Vale-- Relating to an exemption from the franchise tax for certain persons manufacturing, selling, or installing solar energy devices. Reported favorably from House Ways and Means Committee without amendments. 3-28.

HB 893 Glossbrenner, et al -- Relating to ballots used at elections. Referred to Senate State Affairs Committee. 4-5.

HB 897 Coody-- Relating to the penalties for obtaining welfare benefits or certain welfare information by fraudulent means and penalties for soliciting or charging attorney's fees for representing a client before the State Department of Public Welfare without a license to practice law. Referred to House Health and Welfare Committee. 2-7.

HB 898 Coody-- Relating to penalties for fraud in medical assistance. Referred to House Committee on Health and Welfare. 2-7.

HB 902 Bock-- Relating to conditions for sale of certain public land. Considered by subcommittee of House State Affairs Committee in formal meeting. 3-16.

HB 903 Bird-- Relating to appointment of boards of equalization by county commissioners courts. Referred to House Committee on Intergovernmental Affairs. 2-7.

HB 906 Blanton-- Relating to granting immunity from criminal and civil liability to school districts, the board of trustees of school districts, and professional employees of school districts when dispensing medication to students. Referred to subcommittee of House Public Education Committee. 3-8.

HB 907 Robbins-- Relating to a period of detention as a condition of felony probation. Referred to House Committee on Criminal Jurisprudence. 2-7.

HB 911 Jones-- Relating to the authority of a juvenile court to make appropriate orders for the benefit of the child, to require payments to cover the costs of probation for a child, to provide for monetary restitution for victims, to approve paroles of delinquent children from the Texas Youth Council, and to permit the use of certain statements by a child. Referred to House Judiciary subcommittee 4-19.

HB 917 Reyes-- Relating to the regulation of the sale of certain handguns. Criminal. Referred to House Committee on Criminal Jurisprudence. 2-7.

HB 918 Hartung and Henderson-- Relating to the membership of the State Depository Board. Reported favorably from House Committee on Financial Institutions without amendments. 3-7.

HB 931 Henderson-- Relating to legislative review of proposed rules of state agencies. Referred to subcommittee of House State Affairs Committee. 3-21.

HB 938 Lalor-- Relating to periodic review and termination of certain state agencies. Considered by subcommittee of House State Affairs Committee in formal meeting. 3-31.

HB 941 Close-- Relating to *ad valorem* tax exemptions for certain veterans and residence homesteads of elderly persons. Referred to House Committee on Intergovernmental Affairs. 2-10.

HB 945 Grant and Close-- Relating to the method of execution of convicts sentenced to death. Referred to Senate Jurisprudence Committee 4-26.

HB 946 Allred-- Relating to the timing and form of notice of certain gas curtailments. Referred to House Energy Resources subcommittee 4-18.

HB 951 Bird and Whitehead-- Relating to competency to stand trial, insanity defenses, and commitment of mentally ill defendants. Reported favorably with amendments from House Criminal Jurisprudence Committee. 4-5.

HB 952 Green of Harris-- Relating to psychological examinations and treatment of persons who have abused or neglected a child. Considered in formal meeting by subcommittee of House Judiciary Committee 4-18.

HB 965 Chavez-- Relating to carrying firearms on or about one's person. Referred to House Committee on Criminal Jurisprudence. 2-10.

HB 970 Green of Harris-- Relating to written statements giving reasons for the removal of textbooks recommended by the textbook committee. Referred to House Committee on Public Education. 2-10.

HB 971 Wilson, et al -- Relating to increasing the minimum requirement reimbursement percentage rate for the acquisition of certain rights of way. Reported favorably from House Transportation Committee without amendments 4-19.

HB 976 Waters-- Requiring all elections held by the state or by political subdivisions of the state to be held on a Saturday, with certain exceptions. Referred to House Committee on Elections. 2-14.

HB 980 Atkinson-- Relating to public school education. Considered by House Committee on Public Education in public hearing. 3-15.

HB 985 Vaughan-- Relating to the authority of a city to extend the application of certain ordinances to its area of extraterritorial jurisdiction. Referred to House Committee on Intergovernmental Affairs 2-14.

HB 993 Powers-- Creating the Natural Resources Council. Considered by subcommittee of House State Affairs Committee in formal meeting 4-18.

HB 994 Powers-- Directing the Natural Resources Council to report to the governor on coastal problems. Considered by subcommittee of House State Affairs Committee in formal meeting 4-18.

HB 995 Powers-- Granting the certifying agency the duty and authority to certify those coastal wetlands which are essential to the public interest. Considered by subcommittee of House State Affairs Committee in formal meeting 4-18.

HB 996 Powers-- Providing for the exercise by the state of the regulatory authority of the Corps of Engineers over the discharge of dredged or fill material. Considered by subcommittee of House State Affairs Committee in formal meeting 4-18.

HB 1000 Hudson-- Relating to the duties and powers of state agencies to assist small businesses. Referred to House Committee on Business and Industry. 2-14.

HB 1002 Hudson-- Relating to the composition of the Texas Indian Commission. Referred to House State Affairs subcommittee 4-25.

HB 1003 Hudson-- Relating to an increase in the membership of the Texas Indian Commission. Referred to House State Affairs subcommittee 4-25.

HB 1005 G. Hill, Schlueter, J. Wilson, Bush, Parker, and Finnell-- Relating to the punishment for using or exhibiting a firearm during the commission of certain felonies. Referred to House Committee on Criminal Jurisprudence. 2-21.

HB 1006 Wyatt-- Relating to the registration and certification of persons engaged in the assessment of property for *ad valorem* taxation. Referred to subcommittee of House Committee on Ways and Means. 3-14.

- HB 1007 Wallace-- Providing means whereby a voter may express his lack of confidence in any of the candidates for certain offices in certain elections. Referred to House Elections subcommittee 4-20.
- HB 1012 Caraway-- Relating to the establishment of guidelines for academic workloads at state supported institutions of higher education. Reported from House Committee on Higher Education with substitute 3-31.
- HB 1016 Thompson-- Relating to a landlord's warranty of the habitability of residential premises. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.
- HB 1018 Thompson-- Relating to the provisions of rental agreements. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.
- HB 1028 Briscoe-- Relating to a housing rehabilitation program for blighted residential areas. Considered by House Committee on Business and Industry in public hearing 4-18.
- HB 1036 Florence-- Relating to the disposition of funds from the collection of vehicle license fees by counties in the State of Texas. Referred to House Committee on Intergovernmental Affairs. 2-15.
- HB 1038 Stubbeman-- Relating to certain procedures in trials of juveniles alleged to be in need of supervision or to have engaged in delinquent conduct. Considered by House Judiciary subcommittee in formal meeting 4-18.
- HB 1043 Cates and Close-- Relating to municipal annexation. Reported favorably from House Committee on Intergovernmental Affairs without amendments 4-19.
- HB 1048 Henderson and Uher-- Relating to medical professional discipline. Passed by Senate 4-19.
- HB 1053 Gonzales-- Relating to discrimination in rates and denial of automobile insurance to certain handicapped persons. Considered by House Insurance subcommittee in public hearing 4-19.
- HB 1076 Lewis and Millsap-- Relating to the appraisal of certain land the use of which is limited to recreational, park, or open space purposes by deed restriction or voluntary restriction under certain circumstances. Reported favorably from House Ways and Means Committee with amendments 4-4.
- HB 1085 Powers-- Relating to motions and applications for probation. Considered by House Committee on Criminal Jurisprudence in public hearing 4-19.
- HB 1095 Johnson and Vale-- Relating to prevention of drug dependence and to treatment and rehabilitation of drug-dependent persons. Referred to House Health and Welfare Committee. 2-17.
- HB 1096 Johnson-- Relating to the authority of municipal courts to commit persons whose commission of a misdemeanor results from chronic use of alcohol to a special treatment facility in lieu of the imposition of a sentence or fine. Reported from House Health and Welfare subcommittee without amendments 4-18.
- HB 1099 Brown-- Relating to pilot programs for the operation of schools on a year round basis. Referred to House Public Education Committee 2-17.
- HB 1100 Mankins-- Relating to denial of automobile liability insurance for certain handicapped persons. Referred to subcommittee of House Committee on Insurance 4-12.
- HB 1119 Hendricks-- Authorizing the Texas Department of Corrections to grant temporary furloughs to inmates to obtain medical treatment and to attend to family emergencies. Referred to House Social Services Committee 2-21.
- HB 1122 Bush-- Relating to the consideration of advertising expenses in setting utility rates. Referred to House Committee on State Affairs 2-21.
- HB 1123 Collazo-- Increasing the rate at which the local sales and use tax may be imposed. Referred to House Committee on Ways and Means 2-21.
- HB 1125 McBee, Atkinson, Salinas, Ezzell, and Laney-- Relating to the administration of elections. Reported favorably with amendments from House Elections Committee. 4-13.
- HB 1136 Smith-- Relating to minimum standards for county jails. Referred to House Social Services Subcommittee on Correctional Institutions 4-6.
- HB 1148 Gonzales-- Relating to state-guaranteed student loans. Referred to Senate Education Committee 4-6.
- HB 1159 Semos-- Relating to enacting the Southern Growth Policies Agreement. Reported favorably with amendments from House Committee on Business and Industry. 3-31.
- HB 1182 Bock-- Relating to suits against a thief. Referred to subcommittee of House Committee on Criminal Jurisprudence. 3-15.
- HB 1200 Nugent, *et al.*-- Relating to the imposition, administration, collection, and enforcement of an occupation tax on refiners of crude oil and petroleum distillates. Referred to subcommittee of House Committee on Ways and Means. 4-11.
- HB 1219 English-- Relating to exempting from the State Sales, Excise, and Use Tax Act certain energy saving materials and equipment. Reported favorably without amendments from House Committee on Ways and Means. 4-12.
- HB 1237 Blythe and Bird-- Relating to denial, nonrenewal, cancellation, and increase in rates for motor vehicle insurance. Referred to House Committee on Insurance. 2-24.
- HB 1249 Cain-- Relating to a landlord's duty to maintain residential premises in habitable condition. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.
- HB 1255 Wyatt-- Relating to the use and allocation of certain cigarette tax revenue. Reported favorably from subcommittee of House Committee on Ways and Means. 3-21.
- HB 1271 Miller-- Relating to work-release sentences for certain defendants. Read second time in House 4-14.
- HB 1273 R. Green-- Relating to jurisdiction of the Public Utility Commission of Texas over public utilities providing cable television service or community antenna television service. Referred to House Committee on State Affairs. 2-28.
- HB 1274 F. Green-- Relating to the power of a commissioners court to regulate the use of land in certain unincorporated areas. Referred to House Committee on Intergovernmental Affairs. 2-28.
- HB 1277 Brown-- Relating to the releasing of criminal history information for employment applications to private employers by state and local law enforcement agencies. Referred to House Committee on Criminal Jurisprudence. 2-28.
- HB 1281 R. Green-- Relating to uninsured motorist coverage. Reported with substitute from House Insurance Committee. 4-5.
- HB 1287 Cain-- Relating to lawfulness of an arrest, search, or custody as an element of certain resisting or escape offenses. Referred to House Committee on Criminal Jurisprudence. 2-28.
- HB 1288 Bird-- Relating to setting rates on certain classifications of insureds for automobile insurance. Referred to subcommittee of House Committee on Insurance. 4-12.
- HB 1320 Nabers, Hendricks, and Washington-- Relating to the state's burden of proof in a hearing to revoke probation. Referred to House Committee on Criminal Jurisprudence. 3-2.
- HB 1321 Nabers, Washington, and Hendricks-- Relating to a probationer's right to jury determination in a probation revocation hearing. Referred to House Committee on Criminal Jurisprudence. 3-2.
- HB 1322 D. Hill-- Relating to the conditions of a work-release sentence. Reported favorably with amendments from House Criminal Jurisprudence Committee 4-19.
- HB 1325 Barrientos, Moreno, and M. Garcia-- Relating to agricultural labor. Referred to House Agriculture and Livestock subcommittee 4-20.
- HB 1328 M. Garcia-- Relating to the abolition of the defense of sovereign immunity with regard to certain claims against the state. Referred to House Judicial Affairs Committee. 3-2.

HB 1329 M. Garcia-- Relating to the abolition of the defense of governmental immunity with regard to certain claims against political subdivisions. Referred to House Committee on Judicial Affairs. 3-2.

HB 1335 Uher-- Providing for the creation of public utility agencies by public entities to provide for the planning, financing, acquisition, construction, operation, and maintenance of facilities for water treatment and sewage systems. Referred to House Natural Resources subcommittee 4-20.

HB 1340 Schieffer-- Requiring certain political parties to hold presidential primary elections and prescribing alternate methods for selecting delegates to national nominating conventions of those parties. Considered by House Elections subcommittee in formal meeting 4-13.

HB 1346 Chavez-- Relating to restoration of the voting rights of persons convicted of a felony. Considered by House Elections Committee in public hearing 4-6.

HB 1355 Vaughan-- Relating to the membership of the courts of civil appeals and the authority to sit in panels and to sit in other courts of civil appeals. Referred to House Judicial Affairs Subcommittee on Judicial Districts 4-18.

HB 1359 Smith, Gaston, McDonald, and Agnich-- Relating to availability of certain information maintained by governmental bodies as public information. Reported from House State Affairs Committee favorably without amendments 4-18.

HB 1386 Adams and Collazo-- Dedicating all fees and charges for the maintenance and support of the Texas Department of Public Safety. Referred to House Transportation Committee 3-3.

HB 1413 Lauhoff-- Relating to an exemption for coal fired boiler systems and related equipment under the Limited Sales, Excise, and Use Tax Act. Considered by subcommittee of House Ways and Means Committee in formal meeting 4-6.

HB 1428 Robbins-- Relating to presentence and diagnostic investigations of the defendant in certain criminal cases. Referred to House Criminal Jurisprudence Committee 3-7.

HB 1434 Massey-- Relating to increasing the rate of the Limited Sales, Excise, and Use Tax Act. Referred to House Ways and Means subcommittee 4-11.

HB 1446 Gaston-- Relating to the method of appointment or employment of executive heads of certain state agencies. Considered by House State Affairs subcommittee in formal meeting 4-20.

HB 1447 Ribak-- Relating to removal of elective public officers of the state and its political subdivisions by recall elections and to filling vacancies recreated by this method of removal. Referred to House Elections Committee 3-7.

HB 1452 Henderson-- Relating to petitions requesting municipal annexation. Referred to House Intergovernmental Affairs Committee 3-7.

HB 1453 Grant-- Relating to regional jails, the construction, ownership, and maintenance, and the jurisdiction of sheriffs over prisoners incarcerated in regional jails. Referred to Senate Committee on Intergovernmental Relations 4-13.

HB 1454 Powers-- Regulating write-in candidacy for public office. Referred to House Elections subcommittee 4-6.

HB 1458 R. Wilson-- Relating to meetings and gatherings subject to the Texas Mass Gatherings Act. Referred to House Intergovernmental Affairs Committee 3-7.

HB 1474 R. Wilson-- Relating to the execution of a search warrant. Referred to House Criminal Jurisprudence Committee 3-8.

HB 1503 Bush-- Relating to the powers and duties of municipalities with respect to tax increment financing. Referred to House Intergovernmental Affairs Committee 3-9.

HB 1511 Grant-- Relating to the accessibility of information held by certain governmental bodies. Referred to House State Affairs subcommittee 4-15.

HB 1523 Vale-- Relating to a mandatory retirement age for public of-

icers and employees. Referred to House State Affairs Committee 3-9.

HB 1528 Powers-- Relating to placing a defendant on probation without an adjudication of guilt. Referred to House Criminal Jurisprudence Committee 3-9.

HB 1531 Olson and Denton-- Relating to the issuing of certificates of indebtedness by certain counties for the purpose of providing funds for jail facilities. Referred to House Intergovernmental Affairs Committee 3-9.

HB 1540 Untermeyer-- Relating to the removal of the disability to hold public office resulting from conviction for a felony offense where the defendant is placed on probation. Referred to House Criminal Jurisprudence Committee 3-9.

HB 1548 Polumbo-- Relating to a landlord's duty to repair certain conditions in a residential rental premises. Considered by House Business and Industry Subcommittee on Consumer Protection in public hearing 4-20.

HB 1634 Allen-- Relating to the authority of the Railroad Commission to set certain rates. Referred to House Energy Resources Committee 3-14.

HB 1653 Craddick-- Relating to ratification of the Interstate Compact for the Conservation and Utilization of Natural Energy and Water Resources. Reported favorably from Senate Natural Resources Committee 4-21.

HB 1654 Hubenak-- Relating to a speedy trial of criminal cases. Considered by House Criminal Jurisprudence subcommittee in formal meeting 4-12.

HB 1664 Denton-- Relating to deposits paid to certain public utilities as a condition precedent to furnishing utility service. Referred to House State Affairs Committee 3-14.

HB 1668 Chavez, Torres, and A. Garcia-- Relating to grand juries with limited authority in multicounty areas. Referred to House Criminal Jurisprudence Committee 3-14.

HB 1674 Nabers-- Relating to the imposition, rate, collection, administration, and enforcement of taxes on natural resources and energy-producing derivatives of natural resources. Referred to House Ways and Means Committee 3-14.

HB 1686 Bird-- Relating to certain joint contractual and financing arrangements of certain public entities. Referred to House State Affairs Committee 3-14.

HB 1714 Edwards and Bush-- Relating to the Natural Death Act and a procedure for a person to provide in advance for the withdrawal or withholding of medical care when the person has a terminal condition. Referred to House State Affairs subcommittee 4-13.

HB 1734 Tejada, et al.-- Relating to damages in the condemnation of property occupied as a home. Referred to House State Affairs subcommittee 4-18.

HB 1738 Waters, et al.-- Relating to use of municipal funds by an incorporated city or town to influence legislation. Referred to House Intergovernmental Affairs Committee 3-15.

HB 1746 Ezzell and Florence-- Relating to consolidation of the State Department of Public Welfare, the Texas Youth Council, and the Governor's Committee on Aging. Considered by subcommittee of House Health and Welfare Committee 4-7.

HB 1799 Kubiak-- Relating to the creation and administration of an energy development fund to support research in and development of alternative energy sources. Referred to House Energy Resources subcommittee 4-18.

HB 1818 Lalor-- Relating to the prohibition of possession of burning tobacco products or smoking tobacco in certain places. Referred to House Criminal Jurisprudence Committee 3-15.

HB 1831 Hale-- Concerning exemption from the limited sales and use tax of certain items used in broadcasting operations by radio and television broadcast stations. Reported from House Ways and Means Committee with substitute 4-25.

HB 1842 Ragsdale-- Relating to a state agency's publication of

notice of an invitation for bids or a request for proposals for professional or general services. Referred to House State Affairs Committee 3-15

HB 1857 Blythe-- Relating to the regulation of certain small utilities. Referred to House Natural Resources Committee 3-15

HB 1977 Orr-- Relating to the administrative reorganization of state government. Reported from House State Affairs Committee favorably with amendments 4-18

HB 2157 Wilson-- Adopting the Natural Resources Code, a formal revision of the statutes relating to the public domain, oil, gas, and other natural resources. Referred to House Energy Resources Committee 4-4

HJR 2 Sullivant, *et al.*-- Relating to the appraisal of land for agricultural purposes. Referred to House Constitutional Amendments Committee 1-13

HJR 4 Hubenak-- Permitting the denial of bail for a limited time to a person charged with a felony under certain circumstances. Referred to House Constitutional Amendments subcommittee 4-20

HJR 5 Mayes-- Permitting the appraisal of agricultural land according to its productive value. Referred to subcommittee of House Constitutional Amendments 3-16

HJR 11 Simpson-- Permitting the legislature to give budget execution authority to the governor. Reported from House Constitutional Amendments Committee with substitute 4-13

HJR 14 Head-- Providing an annual salary for the members of the legislature. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 15 Jones-- Relating to voter qualifications and elections. Considered by House Constitutional Amendments Committee in public hearing 4-20

HJR 16 Madla and Tejada-- Providing for annual regular sessions of the legislature. Referred to House Constitutional Amendments Committee 1-13

HJR 21 Bryant-- Providing for annual regular sessions of the legislature. Referred to subcommittee of House Constitutional Amendments 3-9

HJR 22 Kubiak-- Changing the term of office for the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, secretary of state, and certain statutory state officers from four years to two years. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 23 Bryant-- Providing that the lieutenant governor and the speaker of the house shall each receive an annual salary equal to two thirds the annual salary of the governor. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 41 Hubenak-- Relating to denial of bail to a person accused of a felony in certain circumstances. Referred to House Constitutional Amendments subcommittee 4-20

HJR 45 Willis-- Permitting the state to appeal in a criminal case from a trial court ruling that a law is unconstitutional. Referred to House Constitutional Amendments Committee 1-20

HJR 48 Smith-- Authorizing the legislature to exempt from taxation one motor vehicle belonging to each family or single adult. Referred to subcommittee of House Constitutional Amendments Committee 3-16

HJR 49 Close-- Guaranteeing the right of a person to work for an employer without regard to whether he is a member of or makes a payment to a labor organization. Referred to House Constitutional Amendments Committee 1-31

HJR 50 Gaston-- Authorizing the creation of state debt for the purpose of financing the construction of state buildings. Referred to House Constitutional Amendments Committee 1-31

HJR 51 Donaldson-- Relating to an individual's right to work. Referred to House Constitutional Amendments Committee 2-21.

HJR 52 Donaldson-- Exempting livestock and poultry in the hands of the producer from taxation. Referred to House Constitutional Amendments Committee 1-31.

HJR 53 Ribak-- Reserving in the people the powers of initiative and referendum. Referred to House Constitutional Amendments Committee 2-3

HJR 54 Bock-- Authorizing the establishment of certain bingo games and raffles for the benefit of nonprofit charitable organizations. Considered by House Constitutional Amendments Committee in public hearing 4-20

HJR 55 Grant-- Changing the name of the courts of civil appeals to courts of appeals and to prescribe their jurisdiction. Considered by House Constitutional Amendments Committee in public hearing 4-6

HJR 56 Ribak-- Limiting the length of time that a person may hold the office of state senator or state representative. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 57 Ribak-- Limiting the number of times that a person may be elected to the office of governor or lieutenant governor. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 63 Vale-- Authorizing the legislature to exempt from taxation solar or wind powered energy devices. Considered by House Constitutional Amendments subcommittee in formal meeting 4-25

HJR 64 Smothers-- Limiting the existence of certain state agencies. Referred to House Constitutional Amendments Committee 2-14

HJR 65 Craddick, Hartung and Ribak-- Providing the legislature with the power to authorize counties, cities, or towns to issue revenue bonds for industrial or rural development purposes. Considered by House Constitutional Amendments Committee in public hearing 3-16

HJR 66 Baker-- Authorizing the legislature to convene in veto session. Referred to subcommittee of House Constitutional Amendments Committee 3-9

HJR 69 Ribak-- Authorizing removal of elective public officers of the state and of political subdivisions of the state by recall. Referred to House Constitutional Amendments Committee 2-22

HJR 72 Head-- Increasing the duration of the regular session of the legislature. Referred to House Constitutional Amendments Committee 3-2

HJR 73 Head-- Providing four-year terms of office for members of the house of representatives. Referred to House Constitutional Amendments Committee 3-2

HJR 76 Salinas-- Providing for annual sessions of the legislature. Referred to House Constitutional Amendments Committee 3-3

HJR 77 Vaughan-- Increasing the membership of the courts of civil appeals with authority to sit in panels or to sit in other courts of civil appeals. Referred to House Constitutional Amendments Committee 3-3

HJR 79 Wyatt-- Abolishing state *ad valorem* taxes. Referred to House Constitutional Amendments Committee 3-3.

HJR 82 Massey-- Dedicating a portion of state sales, excise, and use taxes for the purposes of public school education. Referred to House Constitutional Amendments Committee 3-7

HJR 86 Bush-- Relating to granting the legislature the power to authorize cities and towns to issue bonds to finance the redevelopment of certain blighted downtown areas. Referred to House Constitutional Amendments Committee 3-9

HJR 90 Head-- Providing that a member of the house of representatives may not be elected to more than one term as speaker of the house. Referred to House Constitutional Amendments Committee 3-14

HJR 91 Henderson, *et al.*-- Restricting the power of the legislature to increase state taxes in excess of eight percent of the total personal income of the state unless approved by a two-thirds vote of the membership of each house or by referendum. Referred to House Constitutional Amendments Committee 3-14.

HJR 95 Hale-- Relating to the appellate jurisdiction and to the writ authority of the court of criminal appeals. Considered by House Constitutional Amendments Committee in public hearing 4-6

HJR 96 Hale and Grant-- Increasing the number of judges of the court of criminal appeals from five to seven, to change the name of courts of civil appeals to courts of appeals and granting such courts criminal jurisdiction as may be prescribed by law. Considered by House Constitutional Amendments Committee in public hearing 4-6

HJR 98 Schieffer-- Establishing a capital reserve fund in the state treasury and providing that income from the investment of the fund be distributed to school districts to reduce *ad valorem* taxes on residence homesteads. Referred to House Constitutional Amendments Committee 3-14

HJR 103 Gaston-- Authorizing additional colleges and universities of The University of Texas System and The Texas A&M University System to participate in certain benefits of the permanent university fund. Referred to House Constitutional Amendments Committee 3-15

HJR 104 Gaston-- Authorizing additional postsecondary educational institutions to participate in certain benefits of the 10-cent *ad valorem* tax and for higher education in accordance with equitable formulas provided by law. Referred to House Constitutional Amendments Committee 3-15

HJR 105 Henderson-- Providing that the state shall pay 10 percent of the residence homestead *ad valorem* tax. Referred to House Constitutional Amendments Committee 3-15

HSR 51 Hudson-- Establishing a special interim study committee to investigate capital punishment in Texas. Referred to subcommittee of House Criminal Jurisprudence Committee 3-15

HCR 27 Thompson-- Directing the Public Utility Commission of Texas to initiate a study of alternatives to the rate structure presently utilized by the state's public utilities. Reported from House State Affairs subcommittee favorably without amendments 4-20

HCR 52 Davis *et al.*-- Relating to joint rules of house and senate. Referred to Senate Committee on Administration 4-5

HCR 59 Briscoe-- Memorializing Congress to create a federal energy stamp program. Considered in public hearing of House Energy Resources Committee 3-30

Senate

SB 1 Creighton-- Relating to the valuation of open-space land used to support the raising of livestock, farm crops, or forest products. Reported from Senate Economic Development Committee favorably substituted 2-7

SB 2 Lombardino-- Relating to exempting consumption of gas and electricity in this state from sales, use, and excise tax. Referred to Senate Committee on Finance 1-24

SB 3 Doggett-- Prohibiting the charging for telephone directory assistance. Considered by House State Affairs subcommittee in public hearing 4-21

SB 4 Doggett-- Relating to the regulation of natural gas and certain gas utilities. Referred to Senate Natural Resources subcommittee 4-6

SB 5 Doggett-- Relating to the receipt and position of pollution complaints by certain state agencies. Referred to Senate State Affairs Committee 1-11

SB 6 Creighton-- Relating to decreasing the rate of limited sales, use, and excise tax to three percent for a two-year period beginning September 1, 1977. Referred to Senate Finance Committee 1-18

SB 7 Creighton-- Relating to the payment of workmen's compensation judgments against the state or any department, division, or political subdivision thereof. Referred to House Judiciary Committee 3-15

SB 9 Hance-- Requiring fiscal estimates for certain bills and resolutions affecting local governments. Referred to Senate Administration Committee 1-11

SB 20 Doggett-- Relating to contributions for state employees to the Old Age and Survivors Insurance program of the federal Social Security Act. Passed by the Senate 4-25

SB 33 Brooks, Doggett-- Relating to the use of generic names for prescription drugs and to substitution of drugs by pharmacists in prescriptions. Referred to Senate Human Resources Committee 1-11

SB 34 Moore-- Relating to the effect of certain speeding violations on insurance availability, premiums, and drivers' license suspensions. Referred to House Transportation Committee 2-17

SB 39 Schwartz-- Creating the Texas Adult Probation Commission; providing for its powers and duties. Considered by House Criminal Jurisprudence subcommittee in formal meeting 4-21

SB 42 Mauzy-- Relating to discrimination against employees involved in workmen's compensation proceedings. Considered by Senate Jurisprudence Committee in public hearing 4-12

SB 44 Mauzy-- Relating to confidentiality of certain records of the Industrial Accident Board. Considered by Senate Jurisprudence Committee in public hearing 4-12

SB 46 Schwartz-- Relating to the identification, management, control, and use of coastal public land and coastal wetland. Referred to Senate Natural Resources Committee 1-11

SB 49 Schwartz-- Relating to the authority of the attorney general to enforce on his own initiative certain state laws. Reported favorably by Senate Jurisprudence Committee 4-12

SB 50 Moore-- Relating to the allocation and use of revenue from motor vehicle sales taxes. Referred to Senate Finance Committee 2-1

SB 51 Schwartz, Mauzy-- Creating a State Commission on Human Rights. Referred to House State Affairs Committee 3-31

SB 52 Harris-- Relating to bail pending appeal, providing for denial or revocation of bail in certain instances. Referred to House Criminal Jurisprudence Committee 3-29

SB 54 Doggett-- Relating to periodic review and termination of certain state regulatory agencies, the Texas Sunset Act. Reported from House State Affairs Committee with substitute 4-18

SB 57 Doggett-- Relating to public access to meetings of the board of directors of an electric cooperative corporation. Referred to subcommittee of Senate Intergovernmental Relations Committee 2-22

SB 63 Brooks-- Relating to creating a State Formulary System; allowing prescription drug product selections by pharmacists. Referred to Senate Human Resources Committee 1-11

SB 67 Schwartz-- Relating to the registration and certification of persons engaged in the assessment of property for *ad valorem* taxation; creating the State Board of Registration and Professional Certification for Assessors in Texas. Reported favorably from House Ways and Means Committee with substitute 4-21

SB 69 Schwartz-- Relating to the establishment of a procedure for resolving differences between agencies on matters relating to the equitable mitigation of adverse impacts on fish and wildlife resources for various construction practices, to expedite decision necessary for federal coordination. Reported favorably by Senate Natural Resources Committee with amendments 4-7

SB 71 Lombardino-- Relating to the punishment for using or exhibiting a firearm during the commission of certain felonies. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 2-2

SB 80 Mengden-- Relating to proof of financial responsibility on registration of a motor vehicle or issuance or renewal of a license to operate a motor vehicle and maintenance of proof of financial responsibility. Referred to subcommittee of Senate Economic Development Committee 2-14

SB 82 Doggett-- Relating to the information required in the report-

- ing of political contributions Referred to Senate State Affairs Committee 1-11
- SB 83 Schwartz--** Relating to classes of persons not qualified to vote Reported from Senate State Affairs Committee favorably 2-1
- SB 84 Doggett--** Relating to actions commenced by district attorneys and county attorneys concerning deceptive trade practices Reported from Senate Human Resources Committee favorably 2-1
- SB 87 Traeger--** Relating to certain unauthorized uses of food stamp coupons and of authorizations to purchase food stamp coupons Sent to governor 1-25
- SB 88 Brooks--** Relating to the prevention and treatment of alcohol abuse and alcoholism Referred to Senate Human Resources Committee 1-11
- SB 89 Brooks--** Relating to prevention of drug dependence and to treatment and rehabilitation of drug dependent persons Reported from Senate Human Resources Committee favorably substituted 3-7
- SB 91 Brooks and Mauzy--** Relating to the establishment of school community guidance center pilot programs financed under the minimum foundation school program Referred to House Public Education Committee 2-9
- SB 92 Doggett--** Providing for partial public financing of the campaigns of candidates for the office of railroad commissioner Referred to Senate State Affairs Committee 1-11
- SB 103 Farabee--** Relating to enactment of the Medical Liability and Insurance Improvement Act of Texas Considered by Senate Jurisprudence Committee in public hearing 3-30
- SB 105 Doggett--** Relating to the regulation of conduct designed to influence certain actions by the legislative and executive branches of government Referred to Senate State Affairs Committee 1-11
- SB 127 Meier--** Relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies Referred to subcommittee of Senate State Affairs Committee 3-21
- SB 131 Doggett--** Relating to the qualifications of members of the Board of Regents of The University of Texas System Reported from Senate Education Committee favorably 2-16
- SB 133 Schwartz--** Relating to workmen's compensation for employees of political subdivisions Reported from House Judiciary Committee favorably with amendments 4-6
- SB 134 Jones of Harris--** Relating to public access to certain information in the custody of governmental bodies Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-23
- SB 138 Traeger and Lombardino--** Relating to a system of fiscal notes for certain bills and joint resolutions affecting units of local government Referred to Senate Administration Committee 1-12
- SB 140 Santiesteban and Parker--** Relating to aid for secular courses taught by nonpublic schools Reported favorably from Senate Education Committee 4-25
- SB 148 Farabee--** Relating to the Natural Death Act and a procedure for a person to provide in advance for the withdrawal or withholding of medical care when the person has a terminal condition Referred to House State Affairs subcommittee 4-14
- SB 149 Farabee and Doggett--** Relating to parole revocation hearings Referred to Subcommittee on Criminal Matters of the Senate Jurisprudence Committee 1-25
- SB 150 Farabee and Doggett--** Relating to temporary furloughs for inmates of the Texas Department of Corrections Senate 90 day bill 3-24
- SB 151 Meier--** Relating to organized crime and the interception of communications in the investigation of organized crime Reported from Senate Jurisprudence Subcommittee on Criminal Matters with substitute 4-20
- SB 152 Meier--** Relating to eligibility for probation, parole, and release to mandatory supervision, to conditional pardons, to prisoner classification, and to good conduct time. Reported favorably from House Criminal Jurisprudence subcommittee with amendments 4-19.
- SB 153 Meier--** Relating to a court's instructions to the jury on the laws of parole and commutation of sentence for good behavior Referred to House Criminal Jurisprudence subcommittee 4-19.
- SB 154 Meier--** Relating to the penalties for obtaining welfare benefits or certain welfare information by fraudulent means and penalties for soliciting or charging attorney's fees for representing a client before the State Department of Public Welfare without a license to practice law Referred to House Health and Welfare Committee 3-10
- SB 155 Meier--** Relating to control by the Court of Criminal Appeals of extensions of time for appeals of criminal cases Considered by House Criminal Jurisprudence Committee in public hearing 4-19
- SB 156 Meier--** Relating to search warrants to search for and seize evidence of an offense Referred to House Criminal Jurisprudence Committee 4-20
- SB 157 Meier--** Relating to the admission in evidence of statements of an accused in a criminal proceeding. Read second time and passed to engrossment in Senate 4-26
- SB 158 Meier--** Relating to bail pending appeal or disposition of a motion for new trial Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-9
- SB 159 Meier--** Relating to penalties for fraud in medical assistance Referred to House Health and Welfare Committee 3-10
- SB 160 Meier--** Relating to civil and criminal sanctions against persons committing the offense of driving while intoxicated or under the influence of alcohol Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25
- SB 163 Meier--** Relating to chemical tests for intoxication Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25
- SB 165 Meier--** Relating to the suspension of driver's license, permit, or privilege of a minor who drives while intoxicated or while under the influence of alcohol Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.
- SB 168 Clower--** Relating to the state's trust responsibility respecting Texas Indians Reported from Senate Human Resources Committee with substitute 4-20
- SB 169 Clower--** Relating to the Railroad Commission of Texas and regulation by it of certain gas utilities. Referred to Senate Natural Resources Committee 1-17
- SB 170 Clower--** Relating to civil remedies for intercepting, attempting to intercept, or causing, aiding, or permitting interception of certain communications Referred to House Transportation Committee 4-20
- SB 171 Clower--** Relating to the authority of a city to extend the application of certain ordinances to its area of extraterritorial jurisdiction Considered by Senate Intergovernmental Relations Committee in public hearing 2-22
- SB 174 Clower--** Relating to regular audits of utility companies under the jurisdiction of the Public Utility Commission of Texas or the Texas Railroad Commission. Referred to Senate Natural Resources Committee 1-17
- SB 176 Clower--** Relating to the exempting from the sales and use tax wind powered energy devices and certain insulation Referred to Senate Finance Committee 1-17
- SB 177 Clower--** Relating to the prohibition of certain acts by individuals, corporations, and labor organizations relating to political contributions Referred to subcommittee of Senate State Affairs Committee 2-14
- SB 178 Clower--** Relating to reports by utility companies to the Public Utility Commission of Texas or the Texas Railroad Commission reflecting local property taxes of the utility property Referred to Senate Natural Resources Committee 1-17

SB 185 Sherman-- Relating to the powers and duties of certain pipeline companies for the transportation of coal and to the regulation of these pipeline companies as common carriers. Adoption of conference committee report by Senate 4-25.

SB 189 Williams-- Relating to residency requirements for city employees. Considered by House Intergovernmental Affairs Subcommittee on Urban Affairs in formal meeting 4-18.

SB 192 Ogg-- Relating to the creation, administration, powers, and duties of the Office of Court Administration of the Texas Judicial System. Effective immediately 4-5.

SB 196 Meier-- Amending various sections of the Penal Code. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.

SB 197 Meier-- Amending various articles of the Code of Criminal Procedure. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.

SB 197 Meier-- Relating to temporary speed limits. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.

SB 217 Farabee-- Relating to the sale and purchase of a child. Effective immediately 3-31.

SB 230 Aikin, Snelson, Kothmann, Lombardino, Clower, Brooks and Schwartz-- Relating to public school education. Referred to subcommittee of Senate Education Committee 3-9.

SB 232 Schwartz-- Relating to contracts of teachers in this state. Reported from Senate Education Committee favorably 3-29.

SB 235 Mengden-- Relating to the interception and use of wire or oral communications. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.

SB 240 Mengden-- Authorizing the issuance of search warrants to search for and seize evidence of a crime. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-23.

SB 242 Mengden-- Relating to admission in evidence at the trial of a criminal case of the oral statements and admissions of guilt made by the accused. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-23.

SB 243 Mengden-- Relating to assessment of sentence by the judge in criminal cases. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 1-25.

SB 246 Mengden-- Relating to the elements of certain criminal offenses and the authorized penalties for certain criminal offenses. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 2-9.

SB 251 Moore-- Relating to the authority of the Railroad Commission to set certain rates. Referred to subcommittee of Senate Natural Resources Committee 2-23.

SB 260 Clower-- Relating to the regulation of deceptive and unlawful trade practices in the repair of motor vehicles. Referred to Senate Human Resources Committee 1-24.

SB 261 Harris-- Relating to availability of certain information maintained by governmental bodies as public information. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 2-9.

SB 262 Harris-- Relating to the availability of audit working papers of governmental bodies as public information. Considered by Senate Jurisprudence Committee in public hearing 2-22.

SB 266 Mauzy and Parker-- Providing for the administration of family law by replacing the juvenile courts of Dallas and Harris counties and all functioning domestic relations courts with district courts of general jurisdiction to be called family district courts. Reported from Senate Intergovernmental Relations Committee favorably with amendments 4-6.

SB 269 Mauzy-- Relating to portions of the workmen's compensation law and the Deceptive Trade Practices-Consumer Protection Act. Considered by Senate Jurisprudence Committee in public hearing 3-30.

SB 283 Brooks-- Relating to technical-vocational education. Reported favorably from House Public Education Committee without amendments 4-19.

SB 307 Truan-- Relating to bilingual education programs in public schools. Considered by Senate Education Committee in public hearing 3-29.

SB 318 Truan-- Relating to certain rates charged by certain public utilities. Referred to Senate Natural Resources subcommittee 4-21.

SB 329 Longoria-- Relating to standard time. Reported from Senate State Affairs Committee favorably 3-29.

SB 332 Patman-- Relating to biennial reports by the governor on the organization and efficiency of state agencies. Reported from House State Affairs subcommittee favorably without amendments 4-18.

SB 334 Jones of Harris-- Providing for rights of appeal in criminal actions. Referred to House Criminal Jurisprudence Committee 4-20.

SB 335 Schwartz, Mauzy, and Parker-- Relating to rights of certain public employees and to the creation of a state employer-employee relations board, its duties and powers. Referred to Senate State Affairs Committee 1-25.

SB 341 Moore-- Relating to the rights of teacher organizations in consultation meetings with a board of trustees. Referred to subcommittee of Senate Education Committee 3-16.

SB 344 Mauzy-- Relating to workmen's compensation law. Considered by Senate Jurisprudence Committee in public hearing 4-26.

SB 345 Mauzy-- Relating to workmen's compensation awards. Considered by Senate Jurisprudence Committee in public hearing 3-30.

SB 346 Mauzy-- Relating to the weekly compensation benefits paid to injured beneficiaries under the workmen's compensation law. Considered by Senate Jurisprudence Committee in public hearing 3-30.

SB 352 Mauzy-- Providing that boards of trustees consult with representatives of teachers and groups of auxiliary personnel employed in a school district under certain conditions. Reported from Senate Education Committee favorably 4-6.

SB 354 Clower-- Relating to the definition and regulation of certain public utilities. Reported favorably from Senate Natural Resources Committee with amendments 4-21.

SB 355 Clower-- Relating to allowable legal expenses and other expenses of utility companies for rate-making purposes. Referred to Senate Natural Resources Committee 1-25.

SB 360 Moore-- Prohibiting the exercise of the power of eminent domain for the purpose of taking oil, gas, lignite, coal, sulphur, uranium, plutonium, or any mineral, whether in place, or in the process of being mined and produced, or whether mined and produced, for use in connection with the acquisition, ownership, operation and maintenance of an electric facility. Sent to Governor 4-19.

SB 367 Ogg-- Relating to residence requirements for city employees. Considered by Senate Intergovernmental Relations Committee in public hearing 2-8.

SB 372 Jones of Taylor-- Relating to workmen's compensation. Considered by Senate Jurisprudence Committee in public hearing 3-30.

SB 373 Traeger-- Relating to the aggregate amount of Water Development Bonds for water quality enhancement purposes which may be issued pursuant to Article III, Section 49 d-1 of the Texas Constitution. Reported favorably from House Natural Resources Committee without amendments 4-20.

SB 375 Hance-- Relating to fraud in obtaining public assistance or in obtaining information concerning public assistance. Considered by Senate Human Resources Committee in public hearing 2-22.

SB 377 Hance-- Relating to penalties for unlawful fees for representing an applicant before the State Department of Public Welfare, for unlawful disclosure of welfare information, and for obtaining assistance by fraud. Considered by Senate Human Resources Committee in public hearing 2-22.

SB 379 Hance-- Relating to penalties for certain unauthorized uses

of food stamp coupons and authorizations to purchase food stamp coupons. Considered by Senate Human Resources Committee in public hearing 2-14.

SB 386 Parker-- Relating to compensation of workmen engaged in public construction work. Referred to subcommittee of Senate Economic Development Committee 3-9

SB 399 Mengden-- Relating to the issuance of warning tickets for certain speeding violations and to the use of convictions of the violations in determining insurance availability and premiums. Referred to Senate Economic Development Committee 1-27.

SB 400 Doggett-- Relating to regulation of monopolies, contracts, combinations, or conspiracies in restraint of trade or commerce. Referred to House State Affairs Committee 2-14.

SB 407 Clower-- Relating to gas and electric meters for dwelling units in apartment houses. Referred to House Business and Industry subcommittee 4-25.

SB 409 Clower-- Relating to the granting of credits against property taxes levied by the school districts of this state to persons who comply with certain energy conservation design standards in the construction or remodeling of residential structures. Referred to Senate Finance Committee 1-31

SB 420 Brooks-- Relating to periodic review and termination of certain state agencies and advisory committees. Referred to Senate State Affairs Committee 1-31

SB 422 Meier-- Relating to the creation, administration, and functions of the Health and Welfare Services Transfer Board. Reported from Senate Human Resources Committee favorably 3-15.

SB 423 Meier-- Relating to the creation, administration, powers, duties, obligations, and privileges of the Department of Child and Family Resources. Reported from Senate Human Resources Committee favorably substituted 3-15.

SB 424 Meier-- Relating to periodic review and termination of certain agencies and advisory committees. Referred to subcommittee of Senate State Affairs Committee 2-7.

SB 429 Mauzy-- Relating to workmen's compensation benefits for employees recruited in this state. Referred to House Judiciary Committee 3-15.

SB 454 Jones of Taylor-- Adopting a property tax code and conforming provisions, amendments, and repeals. Referred to subcommittee of Senate Economic Development Committee 2-28.

SB 464 Hance-- Relating to proof of financial responsibility on registration of a motor vehicle and on application for a driver's license and maintenance of proof of financial responsibility. Reported favorably from Senate State Affairs Committee with substitute 4-21.

SB 467 Schwartz-- Relating to authorizing the governor to determine the need for a public deepwater port if a private facility is not built. Referred to Senate Economic Development Committee 2-2

SB 471 Schwartz-- Relating to the expunction of records of arrests. Reported favorably from Senate Jurisprudence Committee 4-12

SB 473 Jones of Taylor-- Relating to the requirement that the governor compile and make available to the public certain information concerning regulatory agencies. Referred to House State Affairs Committee 3-14.

SB 474 Jones of Taylor-- Relating to the requirement that each agency of the state file an annual statement of financial condition with the comptroller of public accounts and the governor. Reported from Senate State Affairs Committee favorably 2-22

SB 493 Mengden-- Relating to primary elections held by political parties. Referred to Senate State Affairs Committee 2-3.

SB 494 Mengden-- Relating to presidential primary elections. Referred to Senate State Affairs Committee 2-3

SB 500 Meier-- Relating to nonprofit legal services corporations and prepaid legal insurance. Considered by Senate Jurisprudence Committee in public hearing 4-12

SB 502 Andujar-- Relating to assessments imposed on public utilities under the jurisdiction of the Public Utility Commission. Referred to Senate Natural Resources subcommittee 4-6.

SB 504 Mengden-- Relating to exemptions from the inheritance tax for spouses of decedents. Referred to Senate Finance Committee 2-7

SB 505 Clower-- Providing for the holding of presidential primary elections by certain political parties and prescribing the method for selecting delegates to national nominating conventions of those parties. Referred to Senate State Affairs subcommittee 4-13

SB 508 Mauzy-- Relating to who shall not be included as employees under the State Workmen's Compensation Act. Referred to House Judiciary Committee 3-15.

SB 518 Jones of Harris-- Authorizing enforcement of the Texas Clear Air Act by incorporated cities or towns within their extraterritorial jurisdiction. Referred to subcommittee of Senate Intergovernmental Relations Committee 3-22

SB 520 Jones of Harris-- Relating to the jurisdiction of city governments to prohibit the pollution of streams which constitute the source of water supply for such cities whether within or without the corporate limits of such cities. Referred to subcommittee of Senate Intergovernmental Relations Committee 3-22

SB 521 Jones of Harris, Doggett and Clower-- Relating to the creation of the office ombudsman and its powers, duties, privileges, procedures, and qualifications. Referred to Senate State Affairs Committee 2-8

SB 523 Braecklein-- Relating to the execution of a sentence of death. Reported from Senate Jurisprudence Committee favorably substituted 4-12

SB 529 Farabee-- Exempting a person from obtaining a water permit when the water is to be used for drilling oil and gas wells. Referred to House Committee on Natural Resources 4-7

SB 530 Mengden-- Relating to the method of voting at elections where names of nominees of political parties appear on the ballot. Referred to Senate State Affairs Committee 2-8

SB 538 Brooks-- Relating to restrictions on admission of patients for alcoholic treatment of state mental hospitals. Referred to Senate Human Resources Committee 2-8.

SB 539 Brooks-- Relating to recommendations by community mental health and mental retardation centers of treatment alternatives for potential patients of state mental hospitals. Reported from Senate Human Resources Committee favorably 3-22

SB 541 Brooks-- Relating to prerelease arrangements for follow-up and outpatient care for a patient released from a state mental hospital. Passed by Senate 4-26

SB 544 Jones of Taylor-- Relating to the protection of the quality of human life, health, safety, and general welfare of county residents by the enactment of county ordinances. Reported from Senate Human Resources Committee favorably 3-29.

SB 549 Moore-- Relating to the fees and charges for the maintenance and support of the Department of Public Safety. Referred to House State Affairs Committee 3-28.

SB 555 Truan-- Relating to consolidation of the Department of Public Welfare, the Texas Youth Council, and the Governor's Committee on Aging. Reported from Senate Human Resources Committee favorably 4-14.

SB 560 Jones of Taylor-- Relating to various aspects of the operation and expenses of public school education. Referred to subcommittee of Senate Education Committee 3-9

SB 562 Braecklein-- Relating to the penalty for the driving of a motor vehicle while under the influence of a controlled substance, dangerous drug, or other drug. Referred to Subcommittee on Criminal Matters of Senate Jurisprudence Committee 2-21.

SB 566 Doggett-- Relating to regulation of political activity of state employees. Passed by the Senate 4-12.

SB 572 Aikin-- Relating to the application of the sales and use tax to periodicals and to certain property used in the publication and dis-

tribution of periodicals. Referred to House Ways and Means Committee 3-10.

SB 576 Schwartz-- Creating the Natural Resources Council. Reported favorably from House State Affairs Committee with amendments 4-25

SB 577 Schwartz-- Directing the Natural Resources Council to report to the governor on coastal problems. Reported favorably from House State Affairs Committee with amendments 4-25

SB 578 Schwartz-- Granting the Certifying Agency the duty and authority to certify those coastal wetlands which are essential to the public interest. Reported favorably from House State Affairs subcommittee with amendments 4-18.

SB 579 Schwartz-- Providing for the exercise by the state of the regulatory authority of the Corps of Engineers over the discharge of dredged or fill material. Reported favorably from House State Affairs Committee without amendments 4-25.

SB 584 Clower-- Relating to uniform dates for holding general and special elections in this state. Referred to Senate State Affairs Committee 2-14.

SB 591 Hance-- Relating to an exemption from the franchise tax for certain persons manufacturing, selling, or installing solar energy devices. Referred to Senate Finance Committee 2-14

SB 600 Jones of Harris-- Relating to class actions. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-16.

SB 612 Patman-- Relating to creation of a central depository for computer software documentation prepared by state agencies. Referred to Senate Administration Committee 2-15.

SB 615 Adams, Jones of Harris, Mauzy-- Relating to the size, term, interest, and disclosure requirements of certain regulated loans. Reported from Senate Economic Development Committee favorably with amendments 3-14

SB 620 Braecklein-- Relating to the authority of municipal courts to commit persons whose commission of a misdemeanor results from chronic use of alcohol to a special treatment facility in lieu of the imposition of a sentence or fine. Considered by Senate Jurisprudence Committee in public hearing 4-26

SB 623 Longoria-- Relating to the creation, jurisdiction, administration, and procedures of the Texas Statewide Court. Considered by Senate Jurisprudence Subcommittee on Criminal Matters in public hearing 4-20.

SB 626 Ogg-- Relating to the exemption from ad valorem taxation of properties dedicated to the preservation of wildlife and the conservation of wildlife areas owned by nonprofit organizations devoted to such purposes. Reported favorably from House Ways and Means Committee 4-21

SB 629 Ogg-- Relating to the authority of certain cities to assume control of school districts within their territorial limits. Referred to House Committee on Public Education 4-12.

SB 630 Hance-- Providing for nonvoting student and faculty representatives on the governing boards of institutions of higher education. Referred to Senate Education Committee 2-16

SB 635 Farabee and Jones of Harris-- Relating to the powers and duties of municipalities with respect to tax increment financing. Referred to House Committee on Intergovernmental Relations. 4-4

SB 652 Doggett-- Relating to defining members of the Board of Regents of The University of Texas System as appointed officers of a major state agency for purposes of financial statement requirements. Reported from Senate State Affairs Committee favorably with amendments 3-15

SB 654 Mauzy-- Relating to authorizing and regulating group marketing of motor vehicle insurance. Reported from Senate Human Resources Committee favorably with amendments 3-15.

SB 659 Adams and Aikin-- Relating to the use and allocation of certain cigarette tax revenue. Reported from House Ways and Means Committee favorably without amendments 3-29.

SB 662 Aikin-- Relating to the establishment of guidelines for academic workloads at state-supported institutions of higher education. Referred to Senate Education Committee 2-21.

SB 677 Andujar-- Providing for the establishment of a criminal history record system within the Texas Department of Public Safety. Referred to Senate Jurisprudence Committee 2-22

HB 691 Hance-- Relating to the penalty for a felony of the first degree. Referred to Senate Jurisprudence Committee 2-22

SB 694 Schwartz-- Providing for certain conditions which can be required of a convicted felon for the granting of felony probation. Referred to Senate Jurisprudence Committee 2-23.

SB 695 Schwartz-- Relating to the jurisdiction of the courts of this state to suspend further execution of their sentences and place the defendants on probation. Reported favorably from House Criminal Jurisprudence Committee without amendments 4-19.

SB 703 Hance-- Relating to the prosecution as adults of persons 15 years old or over who are alleged to have committed certain offenses. Referred to Senate Jurisprudence Committee 2-23

SB 714 Meier-- Providing a right to appeal a decision of any board of equalization to a district court. Referred to subcommittee of Senate Economic Development Committee 3-28

SB 721 Ogg-- Exempting from the Limited Sales Tax the receipts from the sale of tangible personal property to be used in solar energy systems. Referred to Senate Finance Committee 2-24.

SB 732 Ogg-- Relating to the simplification and reduction of the number of forms used by state agencies. Referred to Senate State Affairs Committee 2-28.

SB 737 Doggett-- Relating to the use of private consultants by state agencies and councils of government. Passed by the Senate 4-21

SB 740 Ogg-- Relating to the places in which the possession of burning tobacco products or the smoking of tobacco is prohibited. Referred to Senate Jurisprudence Committee 3-1

SB 741 Parker-- Relating to the establishment of a system to assess and publicize the fiscal effects of certain municipal actions. Referred to House Committee on Intergovernmental Relations. 4-4

SB 745 Mauzy-- Relating to the prohibition of the requirement that licensed attorneys pay dues as a prerequisite to the right to practice law. Considered by Senate Jurisprudence Committee in public hearing 4-12

SB 761 McKnight and Hance-- Relating to the rulemaking procedure for certain state agencies. Referred to Senate State Affairs Committee 3-2.

SB 766 Traeger-- Relating to product liability. Considered by Senate Jurisprudence Committee in public hearing 4-12.

SB 770 Longoria and Mauzy-- Relating to restoration of the voting rights of persons convicted of a felony. Referred to Senate State Affairs Committee 3-2.

SB 777 Mauzy-- Relating to public school education. Referred to subcommittee of Senate Education Committee 3-9

SB 782 Brooks and Jones of Harris-- Relating to the establishment of a sex offender treatment pilot program administered by the Department of Mental Health and Mental Retardation. Considered by Senate Human Resources Committee in public hearing 4-26.

SB 794 Mengden-- Relating to the decentralization of state agencies in the Central Texas area. Referred to Senate State Affairs Committee 3-3.

SB 801 Traeger-- Relating to the conservation, storage, and ownership of natural gas, and granting the right of eminent domain over a specific underground stratum and or the mineral and royalty interest therein. Reported favorably from Senate Natural Resources Committee with substitute 4-21

SB 802 Clower-- Relating to the redetermination of the price of certain natural gas. Referred to Senate Natural Resources Committee 3-7.

SB 803 Clower-- Relating to hearings and determinations on certain

- natural gas contract provisions. Referred to Senate Natural Resources Committee 3-7.
- SB 818 Braecklein--** Relating to the conditions of a work-release sentence. Reported from Senate Jurisprudence subcommittee favorably 4-13.
- SB 820 Snelson--** Relating to enacting the Southern Growth Policies Agreement. Failed to pass to third reading in House 4-20.
- SB 824 Snelson--** Relating to the authority of school districts to charge student fees. Referred to Senate Education subcommittee 4-6.
- SB 830 Doggett--** Relating to public employees of the State of Texas. Reported from Senate State Affairs Committee favorably with amendments 3-29.
- SB 834 Jones, G.--** Relating to runoff elections in cities and towns with populations of more than 200,000. Reported from subcommittee of Senate State Affairs Committee with substitute. 4-5
- SB 860 Moore and Harris--** Relating to the exemption of the state from the application of certain provisions of federal law relating to *parens patriae* antitrust actions. Referred to Senate Human Resources Subcommittee on Public Health and Welfare 4-19
- SB 861 Brooks--** Relating to the financing of public school education. Referred to subcommittee of Senate Education Committee 3-9
- SB 874 Jones of Taylor--** Relating to the issuing of certificates of indebtedness by certain counties for the purpose of providing funds for jail facilities. Referred to Senate Intergovernmental Relations Committee 3-9
- SB 880 Doggett--** Relating to the consideration of advertising expenses in setting utility rates. Referred to Senate State Affairs Committee 3-9
- SB 890 Sherman--** Relating to a process for legislative review of proposed rules of state agencies. Reported favorably from Senate Intergovernmental Relations Committee 4-21.
- SB 901 Brooks--** Relating to open meetings of government bodies, and allowing telephone conference calls provided facilities are provided for amplifying conversations for the public. Referred to House Committee on State Affairs. 4-4.
- SB 979 Mengden--** Relating to contracts and financing by certain governmental entities for certain joint operations. Reported from Senate Intergovernmental Relations Committee favorably substituted 4-13.
- SB 1094 Ogg--** Regulating write-in candidacy for public office. Referred to Senate State Affairs Committee 3-14
- SB 1110 Truan--** Relating to publication in the *Texas Register* of the Board of Control's notices of invitations for bids. Referred to Senate State Affairs Committee 3-14
- SB 1143 Doggett--** Providing express statutory authority for political subdivisions to finance, construct, complete, acquire, or operate facilities jointly, prescribing the manner for treatment of the cost thereof and the payment of contractual obligations. Referred to House Intergovernmental Affairs Committee 4-20
- SB 1159 Moore--** Providing a procedure for certain local governments to adopt powers of recall, referendum and initiative. Referred to House Committee on Intergovernmental Affairs 3-29
- SB 1207 Sherman--** Adopting a Natural Resources Code. Referred to Senate Natural Resources Committee 3-29
- SB 1226 Sherman--** Relating to accessibility of government agency information, amending the Open Records Act. Referred to Senate Jurisprudence Committee. 4-4
- SCR 15 Clower--** Requesting the Public Utilities Commission to study the feasibility of a major revision of utility rate structures. Referred to Senate Natural Resources Committee 1-24.
- SCR 16 Clower--** Requesting all cities within the state's Standard Metropolitan Statistical Areas to consider the adoption of ordinances regulating the automobile repair business. Referred to House Business and Industry Committee 3-28.
- SCR 30 Mauzy--** Directing the State Board of Education to revise its accreditation standards for public schools. Referred to House Committee on Public Education 3-28.
- SCR 31 Jones of Taylor--** Creating the Special Committee on Fiscal Responsibility. Referred to Senate State Affairs Committee 2-3.
- SCR 41 Patman--** Memorializing Congress to amend the Internal Revenue Code to remove member contributions made to the Employees Retirement System and Judicial Retirement Administration and the Teacher Retirement System from the taxable base of a state employee's income. Referred to Senate State Affairs Committee 2-15.
- SCR 52 Mengden--** Creating a special Joint Interim Committee to study decentralization of state agencies. Referred to Senate State Affairs Committee 3-3
- SJR 1 Creighton--** Proposing an amendment to the Texas Constitution to provide for methods of assessment for ranch, farm, forest, and other open-space lands. Referred to House Constitutional Amendments Committee 3-17
- SJR 3 Ogg--** Proposing an amendment to the Texas Constitution permitting the denial of bail to a person charged with a felony offense committed under certain circumstances. Referred to House Constitutional Amendments subcommittee 4-20
- SJR 4 Doggett--** Proposing an amendment to the Texas Constitution relating to the incurring of state debt. Referred to subcommittee of Senate Finance Committee 2-16.
- SJR 6 Mengden--** Proposing an amendment to the Texas Constitution to limit the length of time that a person may hold the office of state senator or state representative. Referred to Senate State Affairs Committee 1-11
- SJR 7 Mengden--** Proposing an amendment to the Texas Constitution to limit the number of times that a person may be elected to the office of governor or lieutenant governor. Considered by Senate State Affairs Committee in public hearing 1-31.
- SJR 8 Mengden--** Guaranteeing the right of a person to work for an employer without regard to whether he is a member of or makes a payment to a labor organization. Reported from Senate State Affairs Committee favorably 2-1.
- SJR 10 Mengden--** Restricting the power of the legislature to increase state taxes in excess of eight percent of the total personal income of the state unless approved by a two-thirds vote of the membership of each house or by referendum. Referred to Senate Finance Committee 1-11.
- SJR 11 Mengden--** Prohibiting the legislature from taxing personal or corporate incomes without approval by a popular vote. Referred to Senate Finance Committee 1-11.
- SJR 14 Mengden--** Limiting the existence of certain state agencies. Referred to Senate State Affairs Committee 1-12.
- SJR 16 Meier--** Relating to denial of bail to person accused of felony in certain circumstances. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-2
- SJR 20 Jones of Harris--** Eliminating state *ad valorem* tax. Referred to Senate Finance Committee 1-17.
- SJR 23 Mengden--** Providing for detention without bail of a person accused of a felony involving violence against another. Considered by subcommittee of Senate Jurisprudence Committee in public hearing 3-2.
- SJR 29 Patman--** Relating to the budget execution authority of the governor. Considered by Senate Finance Committee in public hearing 2-23
- SJR 32 Sherman--** Permitting the legislature to give budget execution authority to the governor. Referred to Senate Finance Committee 1-26.
- SJR 35 Mengden and Clower--** Reserving in the people the powers of initiative and referendum. Referred to Senate State Affairs Committee 1-27.
- SJR 38 Mauzy--** Authorizing additional colleges and universities of

The University of Texas System and The Texas A&M University System to participate in certain benefits of the permanent university fund. Referred to Senate Education Committee 2-2

SJR 39 Ogg-- Providing for a state medical malpractice insurance program and to appropriate funds to maintain the program. Reported from Senate Jurisprudence Committee favorably 3-2.

SJR 40 Moore-- Proposing a constitutional amendment requiring the state to finance current maintenance and operating expenses of public elementary and secondary schools. Reported from Senate State Affairs Committee favorably 2-24

SJR 41 Hance-- Proposing a constitutional amendment to provide for periodic special sessions to consider the continuation or abolition of certain state agencies. Referred to Senate State Affairs Committee 2-8.

SJR 43 Mengden-- Proposing a constitutional amendment to prohibit state agencies from accepting gifts or grants from private sources. Referred to Senate State Affairs Committee 2-14.

SJR 44 Farabee and Jones of Harris-- Proposing a constitutional amendment to grant the legislature the power to authorize cities and towns to issue bonds to finance the redevelopment of certain blighted downtown areas. Referred to House Committee on Constitutional Amendments. 4-4

SJR 45 Schwartz-- Proposing a constitutional amendment to permit more associate judges on a court of criminal appeals. Referred to House Committee on Constitutional Amendments 4-7.



U.S. District Court for Southern District of Texas

U.S. v. Texas

The U.S. Government alleges that Waller County, Texas, uses discriminatory voter registration procedures when registering students attending Prairie View A&M College. These procedures allegedly violate 42 United States Code, Sections 1971(a) and 1973, as well as the 14th, 15th, and 26th Amendments to the U.S. Constitution.

The principle of *res judicata* does not bar the government's suit challenging, as discriminatory, voter registration practices that were upheld in earlier, private federal suits that were not certified as class actions and that, unlike the government's suit, did not allege that the challenged practices were racially discriminatory.

The government's interest here is twofold: first, it seeks to protect the voting rights of all college students who are subject to the challenged procedures, and, second, it is seeking to prevent the erosion of the 14th, 15th, or 26th Amendments by virtue of voter registration practices that discriminate on the basis of race or age.

The state law question raised by this suit is whether the use of the challenged voter registration procedure is a practice that the Texas secretary of state and attorney general have a duty under state law to prohibit in order to bring the county's procedures in line with the procedures used elsewhere in the state. Texas law requires the state officials to maintain uniformity of election laws. But there have been no state court decisions interpreting the extent of the officials' power and duty to obtain uniformity.

Under *Railroad Commission v. Pullman Co.*, 312 U.S. 496 (1941), a federal court should abstain from adjudicating a federal constitutional claim when there are unsettled questions of state law that may be dispositive of the case.

The question of relative rights and responsibilities of the state and county officials in interpreting and applying the Texas Election Code is a delicate matter of state administration affecting the balance of power between state and local officials. For these reasons, the court concludes that the special circumstances necessary to justify a Pullman abstention are present in this case.

Abstention and exhaustion of state remedies are distinct doctrines serving different purposes. Exhaustion is required in order to give the state courts, as a matter of comity, the opportunity to make the initial determination as to all claims raised in the case; abstention, on the other hand, is required because there is an uncertain question of state law that the state courts are better able to resolve and that may make a constitutional adjudication unnecessary.

The U.S. Supreme Court has declined to create any *per se* exception to the abstention doctrine for civil rights and voting rights cases. (45 USLW 2482)

Filed March 15, 1977, Houston

Doc. No. 2C41

2nd Court of Civil Appeals Taylor v. Texas Department of Public Welfare

Plaintiff Department of Public Welfare sued nonresident defendant Taylor to establish paternity and impose a duty upon the defendant to make child support payments. The trial court rendered a default judgment for the department.

Held: Reversed and rendered. Sexual intercourse between consenting adults is not a tort, and the "tortious act" provision of a long-arm statute did not permit the exercise of personal jurisdiction over a nonresident on the question of paternity. (14 TLWD 16, at 5)

Filed March 25, 1977, Fort Worth

Doc. No. 2C42

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

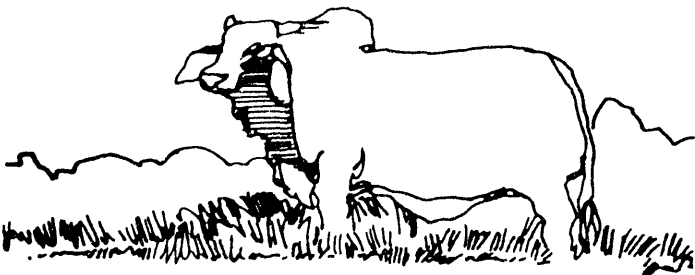
Texas Department of Agriculture

Meeting

A meeting of the Agricultural Protective Act of the Texas Department of Agriculture will be held on Monday, May 9, 1977, 10:30 a.m., at the Texas Department of Agriculture, Expressway 83, two blocks west of Morningside Road, San Juan. The department will consider the following verified statements of claim of: Federico Serrano, Alamo; G. A. Nelle, McAllen; Charles P. Siess, Jr., Alamo; N. V. Cuprea, Alamo; Yhona Russell Wood, Weslaco; Richard A. Flint, McAllen; and William J. Ingle, Edinburg, in account with Rio Citrus, Inc., Edinburg.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed April 27 1977, 10:33 a.m.
Doc No 772101



State Banking Board

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Thursday, May 12, 1977, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application for the proposed Mineola State Bank, to be located in Mineola.

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

Filed April 26, 1977, 10:43 a.m.
Doc No 772085

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Tuesday, May 17, 1977, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application for the proposed Sam Houston Bank, to be located in Austin.

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

Filed April 26 1977, 10:44 a.m.
Doc No 772086

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Thursday, May 26, 1977, 9 a.m., at 2601 North Lamar, Austin, to consider the domicile change application for Guaranty Bond State Bank, Tomball.

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

Filed April 26, 1977, 10:44 a.m.
Doc No 772087

Hearing

A hearing before the hearing officer of the State Banking Board will be held on Tuesday, June 7, 1977, 9 a.m., at 2601 North Lamar, Austin, to consider the charter application for the proposed Ingram State Bank, to be located in Ingram.

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

Filed April 26, 1977, 10:44 a.m.
Doc. No. 772088

Governor's Energy Advisory Council

Briefing

A briefing sponsored by the Governor's Energy Advisory Council and the Center for Energy and Mineral Resources of Texas A&M University will be held on Monday, May 9, 1977, 10 a.m., in Room 118, Stephen F. Austin Building, Austin.

The Energy Research and Development Administration (ERDA) has released a program research and development announcement requesting state proposals for operation of national energy extension service programs. About 10 states will be selected to share in the first year's funding of \$7.5 million. The ERDA announcement points toward a preproposal conference about May 20, proposal submission by July 1, and completion of state selection and granting of awards by August 19, 1977.

The staff of the Governor's Energy Advisory Council has arranged for a participant's briefing on May 9, to provide added information to those interested in participating and to receive suggestions and offers of participation. The agenda includes a briefing on ERDA solicitation, a briefing on the existing Texas A&M University Energy Advisory System for Texas, and consideration of a mechanism for participation.

Texas' response to the solicitation for proposals issued by ERDA for a National Energy Extension Service will also be considered. Input from state, county, and local officials, state universities and community colleges, cooperative extension services, community service action agencies, and other public organizations involved in active energy outreach programs is invited.

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

Filed April 26, 1977 10:43 a.m.

Doc No 772082

General Land Office

Meeting

A meeting of the Board for Lease of Texas Parks and Wildlife Department will be held on Tuesday, May 3, 1977, 9:30 a.m., in Room 831, 1700 North Congress, Austin, to consider an easement application.

Additional information may be obtained from H. E. White, Room 749, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed April 25, 1977, 3:21 p.m.

Doc No 772074

Texas Health Facilities Commission

Addition to Agenda

An addition is being made to the agenda of a meeting of the Texas Health Facilities Commission to be held on Thursday, May 5, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of an application and request by Southwest Park Hospital, Houston, for an administrative order. The complete supplemental notice is posted in the East Wing of the State Capitol.

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

Filed April 27, 1977, 11:30 a.m.

Doc No 772104

Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, May 12, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider the following applications and requests.

San Antonio Dialysis, San Antonio-- certificate of need
The Methodist Hospital, Houston-- certificate of need
Memorial Medical Center, Corpus Christi-- certificate of need

Shoal Creek Hospital, Austin-- two administrative orders

St. John's Hospital, Inc., San Angelo-- exemption certificate

I'MED Health Care Plan of Houston, S.W., Houston-- declaratory ruling

Retama Manor Nursing Centers, Inc., Brownsville-- exemption certificate

Johnson County Memorial Hospital, Cleburne-- declaratory ruling

Colonial Nursing Home, Levelland-- exemption certificate

Golden Triangle Convalescent Center, Port Arthur-- exemption certificate

Elgin Hospital Authority, Elgin-- administrative order

Bridgeport Hospital, Inc., Bridgeport-- exemption certificate

Kleberg County Hospital, Kingsville-- exemption certificate

Nesbit Nursing Home, Seguin-- exemption certificate

Sweetbriar Nursing Home, Brenham-- exemption certificate

Abilene Regional MH/MR Center, Abilene-- declaratory ruling

Pecan Acres Nursing Home, Dallas-- exemption certificate

Kerrville State Hospital, Kerrville-- exemption certificate

Doctors Hospital, Groves-- exemption certificate

Mabank Nursing Home, Mabank-- exemption certificate

Brownwood Community Hospital, Brownwood-- six exemption certificates

The complete agenda is posted in the East Wing of the State Capitol.

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

Filed April 27 1977 11 30 a.m.

Doc No 772105

State Board of Insurance

Emergency Correction to Agenda

An emergency correction was made to the agenda of a hearing by the Commissioner's Hearing Section of the State Board of Insurance held on Monday, May 2, 1977, 2 p.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of American Capitol Insurance Company, Houston, for approval of acquisition of Security Savings Life Insurance Company, Dallas, under Section 5, Article 21.49-1. The original notice stated that Security Savings was acquiring American Capitol.

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

Filed April 26, 1977, 10:42 a.m.

Doc No 772077

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, May 5, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to consider an application for approval of a reinsurance agreement between Mid-Texas Life Insurance

Company, McGregor, and Bankers and Farmers Life Insurance Company, Waco, pursuant to Article 22.19 of the Texas Insurance Code.

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

Filed April 26, 1977 10 42 a.m.

Doc No 772078

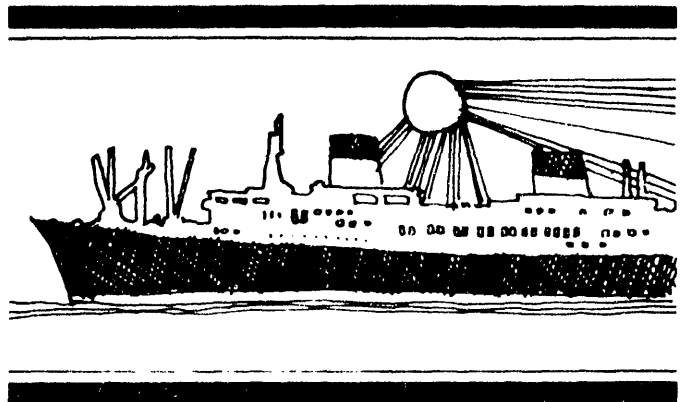
Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, May 9, 1977, 2 p.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of States General Life Insurance Company, Dallas, for purchase of its own shares of stock, pursuant to Article 305 of the Texas Insurance Code.

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

Filed April 26, 1977, 10 42 a.m.

Doc. No. 772079



Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, May 9, 1977, 3:30 p.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of Southwestern Life Insurance Company, Dallas, for extension of time to hold real estate, pursuant to Article 3.40 of the Texas Insurance Code.

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

Filed: April 26, 1977, 10:42 a.m.

Doc. No. 772080

Meeting

A meeting of the State Board of Insurance will be held on Thursday, May 12, 1977, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to consider the Montgomery Ward Charg-All Security Plan.

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

Filed April 26 1977 11 24 a m
Doc No 772090

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, May 18, 1977, 9 a.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of Lloyds of America Insurance Company, Lancaster, for amendment to articles of agreement.

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

Filed April 26 1977 10 42 a m
Doc No 772081

Texas Advisory Commission on Intergovernmental Relations

Meeting

A meeting of the Community Development Committee of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, May 13, 1977, 7:30 a.m., in the Breakpoint Cafeteria at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a draft report regarding the work program project on land resources.

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

Filed April 28 1977 10 28 a m
Doc No 772120

Meeting

A meeting of the Texas Advisory Commission on Intergovernmental Relations will be held on Friday, May 13, 1977, 9 a.m., in Rooms 206-207, Texas Law Center, 15th and Colorado, Austin. The agenda includes consideration of: a staff report on the Solid Waste Act; work program planning for Fiscal Year 1978; progress reports on the Land Resources Project and the Areawide Governmental Cooperation Project; and the executive director's report.

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

Filed April 28 1977 10 28 a m
Doc No 772121

Texas Department of Labor and Standards

Hearing

A hearing by the Auctioneer Division of the Texas Department of Labor and Standards will be held on Monday, May 9, 1977, 9 a.m., in Room 316, Sam Houston Building, Austin, to determine whether the application for a license to conduct auctions in the State of Texas by George Irwin Meikle, doing business as Auction Air, will be granted or denied.

Additional information may be obtained from the Auctioneer Division, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-4229.

Filed April 25, 1977, 2:30 p.m.
Doc. No. 772067

Hearing

A hearing by the Auctioneer Division of the Texas Department of Labor and Standards will be held on Wednesday, May 11, 1977, 9 a.m., in Room 316, Sam Houston Building, Austin, to determine whether the application for a license to conduct auctions in the State of Texas by Hilliard Earl Austin, doing business as Auto Brokers and/or Highway 90 Auto Auction, will be granted or denied.

Additional information may be obtained from the Auctioneer Division, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-4229.

Filed: April 25, 1977, 2:30 p.m.
Doc. No. 772068

Hearing

A hearing by the Auctioneer Division of the Texas Department of Labor and Standards will be held on Wednesday, May 18, 1977, 2 p.m., in Room 316, Sam Houston Building, Austin, to determine whether to suspend or revoke Auctioneer License TxGS-77-0464 of Dalton Christian and James Bullard, doing business as Professional Auctioneers, under the authority of Section 7(d) of Article 8700, Vernon's Texas Civil Statutes, the Texas Auctioneer Law.

Additional information may be obtained from the Auctioneer Division, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-4229.

Filed April 25, 1977, 2:30 p.m.

Doc No 772069



Texas Department of Mental Health and Mental Retardation

Meeting

A meeting of the State Planning Council for Developmental Disabilities of the Texas Department of Mental Health and Mental Retardation will be held at 1:30 p.m. Thursday and at 8:30 a.m. Friday, May 12 and 13, 1977, at the Holiday Inn, 1955 North Industrial Boulevard, Dallas.

The agenda includes: a video tape presentation of the Telecomputer Grid Conference, committee reports, consideration of the State Plan, consideration of a procedure for review of project proposals, consideration of the Task Force on the Autism Report, and consideration of a request for waiver of one year funding by Thomason General Hospital.

Additional information may be obtained from Clarence Jackson, P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761, extension 317.

Filed: April 26, 1977, 1:30 p.m.

Doc No 772092

Merit System Council

Hearing

A hearing by the Merit System Council will be held on Tuesday, May 10, 1977, 1:30 p.m., in Room 507 of the Brown Building, Austin, to consider an appeal.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 475-2144.

Filed April 27, 1977, 3:26 p.m.

Doc No 772115

Midwestern State University

Meeting

A meeting of the Student Personnel Committee of the Board of Regents of Midwestern State University will be held on Thursday, May 5, 1977, 7:15 a.m., in the cafeteria at Clark Student Center, Wichita Falls, to review the food service contract for 1977-78.

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

Filed: April 25, 1977, 2:30 p.m.

Doc. No 772070

Texas National Guard Armory Board

Meeting

A meeting of the Texas National Guard Armory Board will be held on Saturday, May 14, 1977, 1:30 p.m., in Building 64, Camp Mabry, Austin.

The board will adopt a resolution authorizing the sale of Texas National Guard Armory Board armory revenue bonds and taking such other action as shall be appropriate or necessary in the premises; consider personnel matters; consider fiscal matters; consider painting, paving, and fencing matters; consider armory and other construction matters; consider property acquisition and disposition; and consider a lease renewal.

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

Filed April 27 1977 1 27 p m

Doc No 772114

North Texas State University

Meeting

A meeting of the Executive Committee of the Board of Regents of North Texas State University will be held on Friday, May 6, 1977, 10:30 a.m., in Room 745, Airport Marina Hotel, Dallas-Fort Worth Airport. The committee will meet in executive session pursuant to Section 2, paragraphs e-- legal, f-- real estate, and g-- personnel, Article 6252-17, Vernon's Texas Civil Statutes.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed April 27 1977 10 49 a m

Doc No 772102

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday through Friday, May 9-13, 1977, 9 a.m. daily, in Room 711, Stephen F. Austin Building, Austin, to review cases of inmates for parole consideration, to act on emergency reprieve requests and other acts of executive clemency, and to review reports regarding persons on parole.

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

Filed April 26 1977 10 43 a m

Doc No 772084

Texas Parks and Wildlife Department

Meeting

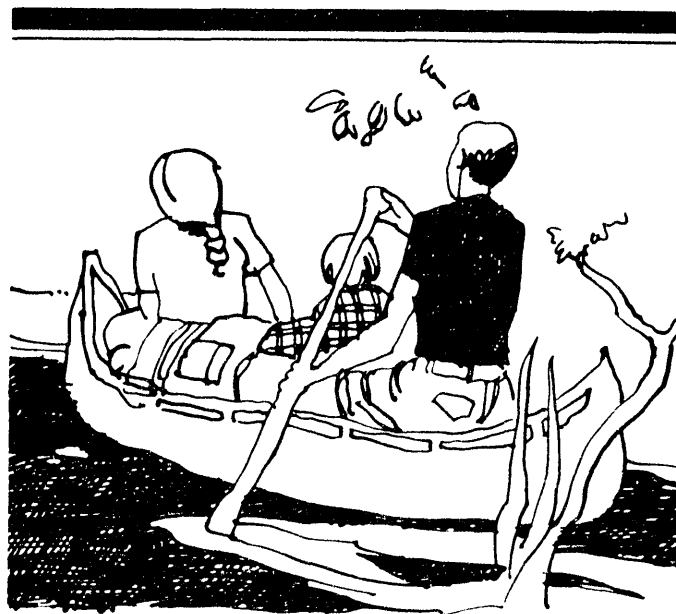
A meeting of the Fisheries Division/Environmental Branch of the Texas Parks and Wildlife Department will be held on Tuesday, May 17, 1977, 2 p.m., in Room A-200, 4200 Smith School Road, Austin.

The agenda includes consideration of the application of Precinct 3 of Fannin County, for a permit to remove, by means of a tracked loader and trucks, approximately 600 cubic yards of sand and gravel (total) from the North Sulphur River beginning at the first county road west of F.M. 2990, near the R. L. Hembree farm, and running east and crossing F.M. 940, ending near the Fannin County boundary line at the Louie Page farm. The material will be used on county roads.

Additional information may be obtained from C. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed April 26 1977 10 43 a m

Doc No 772083



Texas State Board of Pharmacy

Hearing

A hearing by the Texas State Board of Pharmacy will be held on Friday, May 6, 1977, 2 p.m., in Suite 1009, Southwest Tower, 211 East 7th Street, Austin, to consider the proposed regulation on annual pharmacy fees; to consider regulations on governing qualifications to practice pharmacy; to consider regulations on examination for out-of-state applicants and the externs and interns examination application; and to consider the practical experience deadline requirement.

Additional information may be obtained from Fred S. Brinkley, Jr., Suite 1121, Southwest Tower, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: April 26, 1977, 3:45 p.m.
Doc. No. 772096

Texas Board of Private Investigators and Private Security Agencies

Emergency Meeting

An emergency meeting of the Board of the Texas Board of Private Investigators and Private Security Agencies was held on Thursday, April 28, 1977, 2:30 p.m., in Suite 500, 7600 Chevy Chase Drive, Austin, to conduct an executive session for the purpose of discussion and possible action on personnel matters.

Additional information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, telephone (512) 475-3944.

Filed: April 27, 1977, 12:46 p.m.
Doc. No. 772112

Meeting

A meeting of the Board of the Texas Board of Private Investigators and Private Security Agencies will be held on Thursday, May 12, 1977, 9 a.m., at 7600 Chevy Chase Drive, Austin. The agenda includes: discussion and possible emergency revisions of Board Rule 19(1); approval of new licenses, suspension orders, reinstatement orders, certificates for replacement managers, terminations, revocations, and denials; consideration of a request for waiver of a board rule on two denial cases; and discussion of CETA Employment to implement Senate Bill 428.

Additional information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, telephone (512) 475-3944.

Filed: April 27, 1977, 12:46 p.m.
Doc. No. 772113

Public Utility Commission of Texas

Pre-Hearing

A pre-hearing conference by the Public Utility Commission of Texas will be held on Monday, May 16, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 409, City of Bryan vs. Gulf States Utilities Company, *et al.*

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

Filed: April 26, 1977, 10:42 a.m.
Doc No 772076

Meeting

A meeting of the Public Utility Commission of Texas will be held on Tuesday, May 17, 1977, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications for certificates of convenience and necessity for water utilities by the City of Coahoma and by Howard County Water Control and Improvement District 1.

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

Filed: April 19, 1977, 10:39 a.m.
Doc. No 771966

Hearing Rescheduled

A hearing by the Public Utility Commission of Texas, concerning Docket 150 (application of Patricia A. Burgdorff), set for May 23, 1977, is being rescheduled for Thursday, June 2, 1977, 1 p.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin.

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

Filed: April 18, 1977, 2:47 p.m.
Doc. No 771956

Railroad Commission of Texas

Emergency Meeting

An emergency meeting of the Gas Utilities Division of the Railroad Commission of Texas was held on Tuesday, April 26, 1977, 3 p.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider the application

by Lo-Vaca Gathering Company, to make a surplus sale of natural gas to Northern Illinois Gas Company (Docket 643).

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-2747.

Filed April 26 1977 11 48 a.m.
Doc No 772091

Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, May 9, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider various hearing applications and applications for administrative action. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed April 22 1977 11 43 a.m.
Doc No 772034

School Land Board

Meeting

A meeting of the School Land Board will be held on Tuesday, May 3, 1977, 10 a.m., in Room 831, 1700 North Congress, Austin, to consider six pooling agreements and five easement applications (coastal public lands), and to consider final approval of a resolution for three land trades.

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

Filed April 25 1977 2:29 p.m.
Doc No 772064

Texas Eastern University

Meeting

A meeting of the Board of Regents of Texas Eastern University will be held on Wednesday, May 4, 1977, 3 p.m., at 3900 University Boulevard, Tyler.

The board will hear standing committee reports, which will include consideration and recommendations relative to bids for construction of Phase II facilities; seed-

ing; sodding and erosion control of athletic fields; and any other 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 April 27 1977 10 49 a.m.
Doc No 772103

Texas Woman's University

Meeting

A meeting of the Board of Regents of Texas Woman's University will be held on Thursday, May 5, 1977, 10:30 a.m., on the 13th floor of the CFO Tower Building, Denton, to consider routine personnel, financial, and operational matters.

Additional information may be obtained from Dr. Mary Evelyn B. Huey, Box 23925, TWU Station, Denton, Texas 76204, telephone (817) 382-5311.

Filed April 22 1977 11 03 a.m.
Doc No 772022

University Interscholastic League

Emergency Meeting

An emergency meeting of the Executive Committee of the University Interscholastic League was held on Thursday, April 28, 1977, 2 p.m., at the league offices, 2622 Wichita Street, Austin.

The committee considered a protest filed by the Austin Independent School District and/or Crockett High School, concerning a ruling of the Director of the Regional Tournament for Class AAAA Girl's Golf regarding the eligibility of the girl's golf team of Crockett High School to participate in the regional meet Region IV, in Corpus Christi.

Additional information may be obtained from Rhea H. Williams, 2622 Wichita Street, Austin, Texas 78705, telephone (512) 471-5833.

Filed April 26 1977 3:20 p.m.
Doc No 772095

Texas Water Quality Board Meeting

A meeting of the Texas Water Quality Board will be held on Thursday, May 5, 1977, 9 a.m., in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider applications for permits (consideration of approval, revocation, voluntary amendments, voluntary suspension, voluntary cancellation, and swine registration), and to consider other board business (Enforcement Section matters, temporary orders, construction grants, and state loans). The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Harold D. Jobes, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-4781.

Filed: April 25, 1977, 2:29 p.m.

Doc. No. 772065

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, May 20, 1977, 9 a.m., in the Council Chambers, City Hall Plaza, 317 West College, Grand Prairie, to consider whether Permit 10221-01, issued to the North Texas Municipal Water District (City of Mesquite), should be amended in accordance with Paragraph 10 of the "Other Requirements" section of Permit 10221-01, which states, "Within 120 days the Board will hold a public hearing to determine whether to increase the monthly average biochemical oxygen demand to not more than 10 mg/l, the total suspended solids to not more than 15 mg/l, and to increase the ammonia-nitrogen level, upon a showing at such hearing that the application of the effluent limitations stated in this permit will result in substantial and widespread adverse economic and social impact or are unnecessary to preserve the environmental integrity of the receiving waters, or both."

Pursuant to Section 21.075 of the Texas Water Code, the Texas Water Quality Board has adopted water quality standards for the State of Texas. Recently, the North Texas Municipal Water District sought to amend the discharge permit for its City of Mesquite waste treatment plant. During the board's consideration of the amendment, there was discussion concerning the relationship between the board's existing effluent limitations for discharge permits issued to municipally-owned treatment plants and the stream standards established for the Upper Trinity River Watershed. At the request of the North

Texas Municipal Water District, the board will receive evidence on this matter. The purpose of the hearing will be to receive evidence on the relationship of the economic and social costs of achieving effluent limitations based on the water quality standards, including any economic or social dislocation in affected communities, and the social and economic benefits to be obtained in implementing the waste treatment necessary to meet the water quality standards for the Upper Trinity River Basin Watershed.

The hearing commission will receive evidence on any matters relating to the possible amendment of Permit 10221-01, in particular, that evidence which is relevant to the following issues: the cost effectiveness of advanced waste treatment systems and the environmental, social, and economic effects of providing such treatment facility; mathematical models and their reliability in predicting stream standards; the relationship of ongoing planning programs under the Federal Water Pollution Control Act of 1972 to the construction of advanced waste treatment plans in the area; the statistical validity of the laboratory analyses used to establish the parameters which determine the stream standards, in particular, the validity of the biochemical oxygen demand tests at certain levels; the relationship of the design of waste treatment facilities to the statistical probability of producing an effluent which complies with certain board effluent criteria; and possible operational problems of advanced waste treatment facilities. Additionally, the board will consider evidence pertaining to matters generally relating to the water quality criteria for the Upper Trinity River Basin Watershed.

The hearing may be continued on May 21 at the same time and place, if necessary, to fully develop the record. The hearing will be held under the authority of Sections 21.073 and 21.080 of the Texas Water Code and Rules 130.01.50 and 130.01.52 of the Rules of Practice and Procedure of the Texas Water Quality Board.

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

Filed: April 19, 1977, 10:20 a.m.

Doc. No. 771964

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, May 25, 1977, 10 a.m., in the meeting room of the Chamber of Commerce Building, 101 North Locust Street, Clarksville.

The board will consider a request by the City of Detroit, pursuant to Enforcement Order 76-35, for approval of its plan to dispose of brine waste contained in lagoons on city property located approximately 1200 feet south

of U.S. Highway 82 and southeast of the City of Detroit in Red River County. Enforcement Order 76-35 was issued by the Texas Water Quality Board on June 24, 1976, as a result of findings of an enforcement public hearing conducted on February 26, 1976, to consider violations of the Texas Water Code by the City of Detroit. One of the findings of the hearing was that brine waste contained in three lagoons adjacent to the city's sewage treatment plant constitute a threat of contamination to a groundwater formation known as the Blossom Sands. Based on these findings, the board required that the City of Detroit submit to the executive director a schedule for dewatering and final closure of the existing brine lagoons. The schedule submitted by the City of Detroit envisions the controlled discharge of the waste into Scatter Creek adjacent to the plant, thence to Cuthand Creek, thence to the Sulphur River in the Sulphur River Basin.

This hearing will be held pursuant to Section 21.072 of the Texas Water Code and Rule 130.01.50.001 of the Rules of Practice and Procedure of the Texas Water Quality Board to consider whether, and under what conditions, such a discharge should be authorized in order to insure disposal in a controlled manner, thereby eliminating the threat of groundwater contamination and of inadvertent uncontrolled surface discharge. The hearing commission will also receive evidence concerning the availability of other methods of disposal.

Interested parties may appear at the hearing and present relevant evidence. Subsequent to the hearing, the hearing commission will prepare a written report for submission to the board or to the executive director of the board. The written report will encompass recommendations for disposition. Information on procedures for making comments on the findings or recommendations in the hearing commission's report will be furnished at the public hearing.

The hearing commission may continue the hearing on this matter from time to time and from place to place, as necessary, to develop relevant data and information.

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

Filed April 25, 1977, 2:29 p.m.

Doc No 772066

Texas Water Rights Commission

Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, May 11, 1977, 10 a.m., at the

Stephen F. Austin Building, 1700 North Congress, Austin, to consider oral arguments regarding contests to the preliminary determination of the San Antonio River Basin, excluding the Medina River and Cibolo Creek Watersheds.

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

Filed April 22, 1977, 3:27 p.m.

Doc No 772044



Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, May 24, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider applications for permits by Charles R. Irwin (Application 3738) and by Tolbert A. Nelson (Application 3759). The complete hearing notices are posted in the East Wing of the State Capitol.

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

Filed April 18, 1977, 3:48 p.m.

Doc No. 771958

Hearing

A hearing by the Texas Water Rights Commission will be held on Wednesday, July 6, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider cancellation of the following permits: Permit 2288-- Partnership Properties Company, Permit 2329-- Bryon W. Frierson, and Permit 2418-- Newmont Oil Company. The complete hearing notices are posted in the East Wing of the State Capitol.

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

Filed: April 26, 1977, 10:41 a.m.

Doc. No. 772075

West Texas State University

Meeting

A meeting of the Board of Regents of West Texas State University will be held on Monday, May 9, 1977, 10 a.m., in Room 216 of the Activities Center on the WTSU campus, Canyon.

The agenda includes consideration of the following matters: faculty, staff, and curriculum (executive session to discuss personnel); business and finance; student affairs; and program development and community relations. The board will also hear a report on the University Club, a progress report on Mary Moody Northern Hall, and a report from the athletic director. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Lloyd I. Watkins, West Texas State University, Canyon, Texas 79016, telephone (806) 656-3962.

Filed: April 28, 1977, 10:01 a.m.

Doc. No. 772119

Quasi-State Agencies

Meetings Filed April 25, 1977

The Austin-Travis County MH/MR Center, Board of Trustees, met at 1430 Collier Street, Austin, on April 28, 1977, at 7 p.m. Further information may be obtained from John W. Weimer, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Tri-Region Health Systems Agency, Executive Committee, will meet at Hendrick Memorial Hospital, Abilene, on May 3, 1977, at 10:30 a.m. Further information may be obtained from Jim Anderson, Suite B, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 772071

Meetings Filed April 26, 1977

The Coastal Bend Council of Governments and the South Texas Health Systems Agency, Coastal Bend Subarea Health Advisory Council and Coastal Bend Health Planning Council, will meet in the conference room on the 2nd floor, 4600 Parkdale Drive, Corpus Christi, on May 4, 1977, at 7:30 p.m. Further information may be obtained from Harry Rosenzweig, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Education Service Center Region XX, Board of Directors, will meet at 1550 N.E. Loop 410, San Antonio, on May 4, 1977, at 2 p.m. Further information may be obtained from Dwain M. Estes, 1550 N.E. Loop 410, San Antonio, Texas 78209, telephone (512) 828-3551.

The High Plains Underground Water Conservation District 1, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on May 3, 1977, at 10 a.m. Further information may be obtained from Frank A. Rayner, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

The Lubbock Regional MH/MR Center, Human Development Center, met in the Mezzanine Board Room, 1210 Texas Avenue, on April 28, 1977, at 4:30 p.m., in emergency session. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

Doc. No. 772089

Meetings Filed April 27, 1977

The Coastal Bend Subarea Health Advisory Council, Health Manpower Committee, will meet in the Student Union Building, Texas A&I University, Corpus Christi, on May 4, 1977, at 7:30 p.m. Further information may be obtained from Harry Rosenzweig, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Education Service Center Region VII, Board of Directors and Joint Committee, will meet at 818 East Main, Kilgore, on May 5, 1977, at 1:30 p.m. Further information may be obtained from Von Rhea Beane, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

The Golden Crescent Subarea Advisory Council/South Texas Health Systems Agency, Plan Development Committee, will meet at the La Bahia Restaurant, Highway 77A, Goliad, on May 4, 1977, at 6:30 p.m. Further information may be obtained from David H. Russell, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Houston-Galveston Area Council, Project Review Committee, will meet at 3701 West Alabama, Houston, on May 3, 1977, at 9:30 a.m. Further information may be obtained from Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

The Texas Municipal Power Agency, Board of Directors, met at 7111 Bosque Boulevard, Waco, on April 28, 1977, at 2:30 p.m., in emergency session. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76710, telephone (817) 776-4100.

The South Texas Health Systems Agency, Project Review and Criteria Committee, will meet in the STHSA conference room, Seale Hall, Texas A&I University, Kingsville, on May 3, 1977, at 4:30 p.m. Further information may be obtained from Lucille Phillips, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The West Texas Council of Governments, Advisory Committee on Rural Affairs, will meet at the Holiday Inn, Van Horn, on May 11, 1977, at 2 p.m. Further information may be obtained from E. Ray Hill, Suite 700, 303 North Oregon, El Paso, Texas 79901, telephone (915) 532-2910.

Doc No 772100

Meetings Filed April 28, 1977

The Coastal Bend Subarea Health Advisory Council, Plan Development Committee, will meet in the second floor conference room at 4600 Parkdale Drive, Corpus Christi, on May 4, 1977, at 6 p.m. The Membership Committee will meet at the same location on May 4, 1977, at 6:45 p.m. Further information may be obtained from Harry Rosenzweig, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 772118

Comptroller of Public Accounts

Administrative Decisions

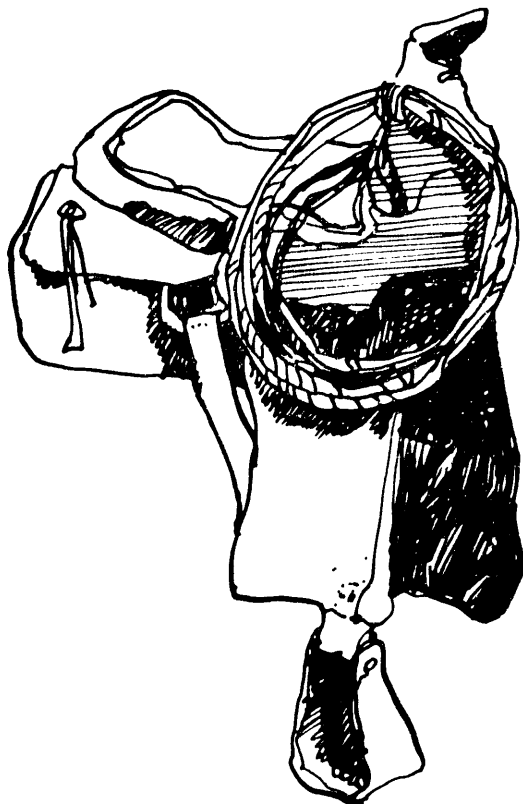
Summary of Administration Decision H-7107

H-7107- Credit cannot be given to a purchaser for sales and use taxes paid to his supplier on items which were purchased for use on lump-sum contracts and which were lost or stolen prior to their use, because there is no statutory authority for giving credit to a purchaser for such taxes unless the items are returned unused to the seller for credit pursuant to Article 20.01(L)(3)(b), Texas Taxation-- General Annotated.

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Filed April 27, 1977, 12:01 p.m.

Doc No. 772111



Governor's Energy Advisory Council

Energy Policy Monitor

National Energy Program: Summary

The following is a summary of a 28-page fact sheet distributed to the press a few hours before the President unveiled his energy plan to Congress on the night of April 20. The fact sheet itself is a summary of legislation which may total 1,500 pages and administrative actions required by the program. Statements in parentheses have been added by the Governor's Energy Advisory Council staff for clarification or emphasis.

Conservation

Transportation.

--Gas guzzler tax and rebate. Graduated tax and rebates on new cars and light trucks linked to fuel efficiency; begins in 1978 and increases through 1985; the break point between tax and rebate increases from 18 miles per gallon (mpg) in 1978 to 27.5 mpg in 1985; highest tax in 1978 (for 12.5 mpg or less) is \$449 increasing to \$2,488 in 1985; highest rebate over the period is \$499 (for 39 mpg or better); rebates for foreign cars are subject to negotiation.

--May withhold federal highway funds from states not enforcing 55 mph speed limit (Texas Legislature is considering bills easing penalties for 55 mph violators).

--Standby gasoline taxes to go into effect if consumption targets are not met; tax amounts to 5 cents per gallon per year not to exceed 50 cents per gallon; earliest possible tax is January, 1979; tax may be reduced when targets are met; all taxes collected will be rebated through income tax system.

--Removal of 10 percent excise tax on intercity buses; increase aviation gas tax by four cents and motorboat gas tax by two cents.

--New federal government vehicles to exceed fuel efficiency standards by two mpg in 1978 and four mpg in 1980.

Buildings.

--Tax credit to homeowners of 25 percent of first \$800 and 15 percent of next \$1,400 spent on approved conservation measures undertaken before 1985.

--State utility commissions "required" to direct utilities to offer customers a residential energy conservation service to be repaid through monthly utility bills.

--Government-backed home improvement conservation loans.

--Low-income weatherization funding increased to \$130 million in Fiscal Year 1978 and \$200 million in Fiscal Year 1979 and Fiscal Year 1980.

--Rural home weatherization through electric cooperatives.

--Businesses given additional 10 percent tax credit for conservation investments.

--Federal grants to nonprofit schools and hospitals, \$300 million per year for three years.

--HUD will advance by one year (from 1981 to 1980) the effective date for mandatory standards required for new residential and commercial buildings under the Energy Conservation and Production Act. Funds to states to help in this effort.

Appliances.

--Present voluntary standards to be made mandatory for certain appliances. Ongoing labeling program to continue.

Industry.

--Five-year 10 percent investment tax credit for energy-saving capital improvements.

--To encourage cogeneration (the production of industrial steam and electricity from the same facility), industrial cogenerators will be exempt from utility regulations; government assurance of fair rates for back-up power; 10 percent tax credit to purchase cogeneration equipment; possible exemption from conversion orders.

Rate Reform.

--State utility commissions must eliminate promotional rates which do not reflect cost-of-service.

--Utilities must offer customers daily off-peak rates (customer pays for metering) and interruptible rates.

--Prohibition of master metering for new buildings.

--Gas utilities would have to discontinue declining block rates.

--Required interconnection and power pooling among intrastate electric utilities (aimed at the Texas Interconnected System and its current problems).

--Taxes on oil and gas to encourage conservation (details below).

Oil and Gas Pricing.

Oil Pricing

--Continue indefinitely the \$5.25 lower tier and \$11.28 upper tier prices to be adjusted for inflation.

--Allow newly discovered oil to rise over three year period to current world price (about \$14) with inflation adjustments.

--Define new oil as oil from wells drilled more than 2.5 miles from an existing well or 1,000 feet deeper than other wells in a 2.5 mile radius. All new Outer Continental Shelf leases will be defined as new oil.

--Stripper oil and incremental tertiary recovery oil will be unregulated.

--Alaskan crude oil will be considered upper tier oil (\$11.28 adjusted) and treated as foreign oil for purposes of entitlements. New Alaskan finds will be "new" oil. Elk Hills Naval Petroleum Reserve production will be limited until west-to-east transportation system is in place.

--Shale oil to receive world market prices.

--All domestic production will be subject to an equalization tax to be imposed in stages such that by 1980 all domestic crude will be taxed at a per-barrel rate sufficient to equal the world market prices. Taxes to be rebated through income tax (would end entitlements program).

Gas Pricing.

--All new gas sold in U.S. (including intrastate gas) cannot exceed the British thermal unit (Btu) equivalent of the average refiner acquisition cost of domestic crude before tax (or about \$1.75 per thousand cubic feet).

--Define "new gas" using same standards as "new oil" (2.5 miles, 1,000 feet and new outer continental shelf leases).

--Certain high cost gas may have higher price ceilings.

--Gas from expiring interstate contracts may sell for up to \$1.42 per thousand cubic feet (mcf). Expiring intrastate gas may sell at \$1.75 ceiling.

--Allocates the cost of more expensive new gas to industrial users (incremental pricing).

--Extends federal controls to synthetic natural gas (SNG) plants.

Conversion (away from oil and gas)

Oil and Gas Users Tax.

--Beginning in 1979 industrial gas users (excepting agricultural) will be taxed such that their gas costs equal a "target" keyed to fuel oil prices. The target price will rise to equal fuel oil prices by 1985. The target for 1979 will be \$1.05 below the Btu equivalent cost of fuel oil.

--Electric utilities will bear a similar tax beginning in 1983 (with fuel oil price parity achieved in 1988).

--Petroleum used by industry will be taxed at 90 cents per barrel (bbl) in 1979 rising to \$3 per bbl in 1985. A similar tax on utility use of petroleum will begin in 1983 at a rate of \$1.50 per bbl (and remain constant).

--Industry to receive either a 10 percent investment tax credit for conversion expenditures or a rebate of oil and gas taxes paid equal to conversion costs.

Mandatory Conversion Regulations.

--Ban on new oil and gas-fired boilers.

--Prohibits any utility from burning gas after 1990.

Environmental Policy for Coal.

--Requires best available technology (scrubbers) in all new coal-fired plants.

- Continues "significant deterioration" policy.
- Tough federal strip mining law.

Coal Research and Development.

- Extensive research and development into clean coal burning technologies, pollution control and coal gasification and liquefaction.

Nuclear Power.

- Reiteration of previously announced policies on nuclear proliferation, plutonium recycle and deemphasis of breeder technology.
- Expansion of enrichment capacity.
- Stepped-up safety monitoring of existing light water reactors
- Streamline licensing process for standardized plant designs.

Solar Power.

- Tax credits of 40 percent of the first \$1,000 and 25 percent of the next \$6,400 for approved solar installations; credits gradually diminish through 1984 then expire.
- One hundred million dollar three-year program for solar additions to federal buildings.
- Increased funding for solar, wind, biomass, and other alternate source research, development, and demonstration.
- Business tax credits for solar investments for industrial and commercial use (eligible for 10 percent conservation tax credits).
- State utility commissions required to develop guidelines to prevent discriminatory rates against solar users.

Geothermal Energy.

- Tax deductions for geothermal drilling operations.
- Streamline leasing and environmental review procedures to develop geothermal resources on federal lands.
- Extensive funding of development of gas resources from geopressed zones (Texas and Louisiana, primarily).

Other Elements

Energy Reserve, Production and Financial Reporting.

- Government assumption of audit and verification roles now performed by American Gas Association and American Petroleum Institute in determining reserve and production statistics.
- Elimination of redundant reporting requirements by federal agencies.
- Extensive financial reporting by major oil and gas companies based on functional areas of production, refining, transportation and marketing and geographic regions (viewed by some as a substitute for divestiture and by others as a first step to divestiture).

- Rejection (for the moment) of either horizontal or vertical divestiture with close monitoring of anti-competitive actions.

- State energy offices assisted by the federal government to collect data on energy availability and reliability.

Low-Income Assistance.

- In addition to weatherization program and tax rebates, there will be rebates to users of home heating oil (mostly in the East and North).

Strategic Petroleum Reserve

- Expand strategic petroleum reserve (SPR) program from 500 million barrels storage to 1 billion barrels, enough to withstand serious supply interruptions for 10 months.

Liquefied Natural Gas.

- Removal of current import limitation on Liquid Natural Gas (LNG) coupled with strict siting criteria.

Outer Continental Shelf.

- Support of current outer continental shelf before Congress (which industry says will hamper rather than expedite OCS production).

Gasoline Decontrol.

- Removal of gasoline price control and allocation regulations by next fall (would likely eliminate the question of "passthrough" of a potential Texas refinery tax).

Industry Taxation.

- Give independents same tax relief as majors in the treatment of intangible drilling costs.

Studies, Inquiries, Investigations, etc.

- In addition to the administrative actions and proposed legislation, the plan calls for a variety of inquiries into such areas as the adequacy of the energy transportation system, energy development and price impacts, industry competition, environmental considerations of coal conversion, uranium and thorium resource evaluation, and a search for additional hydroelectric sites.

If all the above is carried out, the President hopes the following goals will be reached.

Goals (for U.S. by 1985)

Reduce annual growth of demand to less than two percent (historic growth is about 3.5 percent); reduce oil imports from forecasted 16 million b/d to six million; reduce gasoline consumption by 10 percent (presumably over current levels); insulate 90 percent of buildings; increase coal production by 400 million tons per year (from current level of about 650 million); and use solar energy in 2.5 million homes.

Railroad Commission of Texas

Oil and Gas Division

Interpretive Order 051.02.02.030-.031

The Railroad Commission of Texas, on petition of interested persons, is proposing the amendment of the penultimate paragraph of its Interpretive Order concerning gas market demand determination and allowable allocation procedures presently administered through its General Conservation Rules and Regulations of Statewide Application, with specific reference to Statewide Rules 051.02.02.030 and .031.

Public comment on the proposed amendment to the interpretive order is invited. Comments may be submitted to Fred H. Young, Chief Legal Counsel, Railroad Commission of Texas, Oil and Gas Division, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted until 30 days after publication of notice in the *Texas Register*. This amendment to the interpretive order is proposed under authority of Articles 6008 and 6049a, Revised Civil Statutes of Texas.

"It is further ordered that *to the extent that* the provisions of any and all gas purchase or other agreements between producers and gas purchasers [which] contravene or are inconsistent with the provisions of this order, and *only to that extent, such contractual provisions* are rendered inoperative, including, without limitation, provisions relative to (1) gas purchasers nominating to take gas in certain amounts or at certain levels, or (2) producers asserting damages, or other remedies against gas purchasers in the event of *reduction* [reductions] in or *cancellations* [cancellation] of *allowables*. *In no event, however, shall the provisions of the order invalidate or otherwise affect the contractual obligations of gas purchasers to take and pay for (or pay for if not taken) any certain percentage, not to exceed 65 percent, of either the greater of the deliverability capacity of the seller determined under any such gas purchase contract or gas purchase contracts* [allowables and (3) obligations requiring gas purchasers to take, or pay for if not taken, quantities greater than allowables set by this commission].

Issued in Austin, Texas, on April 20, 1977.

Doc. No. 772011 Fred H. Young
Oil and Gas Division
Railroad Commission of Texas

Filed: April 20, 1977, 3:14 p.m.

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

Office of State- Federal Relations

Standards for Exposure to Cotton Dust Public Hearing

The Occupational Safety and Health Administration (OSHA) will hold a public hearing in Lubbock on May 10, 1977, on a proposed health standard to reduce worker exposure to cotton dust. The proposed standard, which was published in the *Federal Register* on March 15, would change the permissible exposure limitation from 1,000 micrograms of total dust per cubic meter of air to 200 micrograms of respirable dust per cubic meter of air, based on an eight hour, time-weighted average. Respirable dust is proposed as the new measure because larger, non-respirable dust particles are not believed to be harmful.

The hearing will be held at the South Park Inn, Patio West Room, 3201 South Loop 289, Lubbock, beginning at 9:30 a.m. There was an April filing deadline for persons wishing to appear as witnesses, but those who missed the deadline may nevertheless attend and be heard, if time permits. Representatives of small businesses and individual employees are encouraged to attend.

Further information may be obtained from Tom Hall, OSHA Office of Committee Management, Docket No. H-052, Room N3633, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-8025.

Filed April 25 1977 11 50 a.m

Doc No 772057



U.S. Commission on Federal Paperwork

Public Hearings

The U.S. Commission on Federal Paperwork will hold public hearings in Fort Worth on Thursday and Friday, May 19 and 20, between 9 a.m. and 1 p.m. each day, in the Crystal Room, 14th floor, Sheraton Fort Worth Hotel, 815 Main Street.

The first hearing will concern the impact of federal paperwork on the energy industry and public works programs. During the second hearing, the commission will receive comments on the federal paperwork involved in obtaining small business loans and any other problems which may be brought to the commission's attention. Testimony presented will be used in making recommendations to the Congress and the President on changes which would ease the burden of federal paperwork. Witnesses have already been scheduled.

Further information may be obtained from Colleen Fleming, Commission on Federal Paperwork, Room 2000, 1111 20th Street, N.W., Washington, D.C. 20582, telephone (202) 653-5400.

Filed: April 28, 1977, 8:34 a.m.

Doc No. 772116

Temporary Employment of Aliens

Public Hearing

The U.S. Department of Labor will conduct a formal public hearing in San Antonio on May 27 on proposed revisions of regulations on the employment of aliens in temporary farm jobs. Proposed changes, published in the *Federal Register* on January 25, 1977, pertain to the recruitment of U.S. workers, housing facilities, wages, guaranteed work time, and the treatment of transportation costs and meal charges. A Department of Labor Administrative Law Judge will preside at the hearing which is scheduled to begin at 9:30 a.m. Further details as to time and place will be published in local newspapers at least two weeks prior to the hearing.

Persons interested in offering testimony should file a notice of intent by May 6 with Woodrow W. Vines, Certification Officer, Agricultural Occupations, U.S. Employment Service (Attn: TET), Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213, telephone (202) 376-6525. The notice of intention to appear, which will be available for public inspection, must contain the following information: (1) the name, address, and telephone num-

ber of each person to appear; (2) the capacity in which the person will appear; (3) the approximate amount of time required for the presentation; and (4) the issues that will be addressed.

Interested persons who are unable to present their views at the hearing are invited to submit written statements or comments for the record. The record will be held open for this purpose until August 1, 1977. Materials should be forwarded to Woodrow Vines at the address indicated above.

Filed: April 28, 1977, 8:34 a.m.

Doc. No. 772117

Texas Register

Notice of Correction

Rule 026.20.20.013, Food and Food Products Sold for Human Consumption, which was adopted by the *Comptroller of Public Accounts*, contained an error in Section (a) as published in the April 8, 1977, issue of the *Texas Register*. The first two sentences of that section should read as follows:

(a) Food and food products prepared, served, or sold ready for immediate consumption by any retailer are subject to the sales tax. If a food item is sold ready for immediate consumption, the fact that it is sold "to go" will not affect its taxability.

Texas Water Well Drillers Board

Contested Hearing

An adjudicative hearing by the Texas Water Well Drillers Board will be held on Tuesday, May 3, 1977, 1:30 p.m., in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin.

The board seeks to suspend or revoke the certificate of registration of Fred Paskell, Jr., P.O. Box N, Vidor, Texas, thereby cancelling his license for drilling water wells within the state for the reason that he has failed to keep and transmit water well logs to the Texas Water Development Board as required by Section 5, Article 7621e, Vernon's Annotated Civil Statutes.

Additional information may be obtained from Fred L. Osborne, Jr., P.O. Box 13087, Austin, Texas 78711.

Filed: April 22, 1977, 4:30 p.m.

Doc. No. 772046