

TEXAS REGISTER

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NOTES ON THE ISSUE

1724

The Texas Nursing and Convalescent Home Act, passed by the 65th Legislature during the First Called Session, placed nursing homes under the jurisdiction of the Department of Health rather than the Department of Human Resources, as they was earlier. The act also required annual unannounced inspections before licenses can be renewed and yearly medical examinations of all residents. Further, the legislation mandated annual meetings to allow residents an opportunity to voice complaints. Records of complaints against the facility and employees are open to the public. The Department of Health proposes amendments to the rules governing nursing and convalescent homes. In addition to defining the procedure for inspection of public records concerning the homes, amendments proposed will change regulations governing personnel responsible for residents care and the medical examinations patients are to receive.

The Texas Department of Agriculture amends seed certification standards to bring them into conformity with the certification requirements of the Federal Seed Act. The amendments change arrowleaf clover to include clovers of all kinds and add sunflowers as a type of crop.

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



Steven C. Oaks
Secretary of State

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Requests for Opinions

Summary of Request for Opinion RQ-1879

Request from Charles D. Houston, county attorney, Bellville.

Summary of Request: Austin County has contracted with the City of Wallis to operate an ambulance. The county agreed to reimburse the city for the cost of operation. The ambulance supervisor hired by the city is a daughter of one of the members of the commissioners court. The contract between the city and the county established the salary of the employee. Is it a violation of the nepotism statute for the county to amend the agreement to increase the employee's salary?

Doc. No. 783152

Summary of Request for Opinion RQ-1880

Request from Thomas H. Haynie, chairman, Texas Private Employment Agency Regulatory Board, Austin.

Summary of Request: Are the deliberation and vote on findings of fact, conclusions of law, and final orders by the Private Employment Agency Regulatory Board required to be taken in an open meeting?

Doc. No. 783151

Summary of Request for Opinion RQ-1881

Request from Gordon Cockerham, superintendent, Lancaster Independent School District, Lancaster.

Summary of Request: Is a public school employee entitled to see information maintained by the district relating to that individual's employment when the information includes a memorandum to board members concerning the individual's employment and the written advice of the school district's attorney concerning the individual's employment relationship?

Doc. No. 783150

Summary of Request for Opinion RQ-1882

Request from George N. Rodriguez, Jr., county attorney, El Paso.

Summary of Request: May the El Paso County auditor pay claims for supplies and services rendered to the El Paso County Sheriff's Department, without purchase order, when the El Paso County Commissioners Court has sat as a judicial body, made findings of fact, conclusion of law, and ordered the claim paid?

Doc. No. 783149

Summary of Request for Opinion RQ-1883

Request from Lee H. Smith, president, Southwest Texas State University, San Marcos.

Summary of Request:

(1) Does the receipt of a fee for participating in a university-sponsored, client-funded continuing education program by the president of Southwest Texas State University violate the letter or spirit of Texas law; and

(2) Does the receipt of a fee for participating in a university-sponsored, client-funded continuing education program by a member of the university's faculty, staff, or administration other than the president of the university violate the letter or spirit of Texas law?

Doc. No. 783148

Summary of Request for Opinion RQ-1884

Request from A. R. Schwartz, Senator of the State of Texas, Austin.

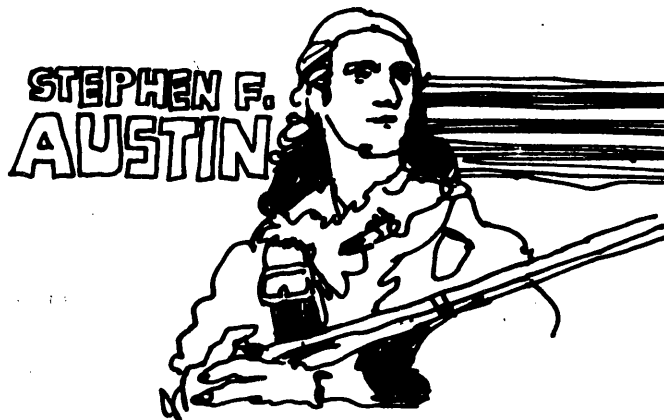
Summary of Request: Does Article 21.48A of the Texas Insurance Code prohibit a lender from refusing to accept property insurance policies from a company admitted to do business in Texas when said company's liability is guaranteed by Lloyd's of London when the sole reason given for such rejection is that the lender does not feel secure with the language under Lloyd's guarantee even though such language is mandated by the State Board of Insurance?

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783147

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

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



An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be 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 chapter of rules to which the rule belongs. The third unit (two digits) indicates the subchapter of rules, if any, within the chapter. The fourth unit (three digits) indicates the individual rule.

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

Texas Board of Pardons and Paroles

Parole

Selection for Mandatory Supervision 205.05.02

The Texas Board of Pardons and Paroles has adopted Rules 205.05.02.001-.022 on an emergency basis. These rules provide for the method of selection of inmates of the Texas Department of Corrections for release to mandatory supervision. These rules have been adopted on an emergency basis to facilitate the release of those individuals who will become eligible for release to mandatory supervision within the next 60 days.

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

.001. Release Order. The board, or a parole panel designated by the board, shall order the release of any prisoner who meets the requirements as set out in Article 42.12, Texas Code of Criminal Procedures (amended 1977), and the rules of this board.

.002. Mandatory Supervision Interview. Prior to release to mandatory supervision, the inmate may be interviewed by an institutional parole officer, a parole commissioner, or a board member, at which time the inmate may submit his or her proposed mandatory supervision plan, which shall include provisions for employment and residence.

.003. Initial Eligibility Date. The initial date of eligibility for mandatory supervision release is set by calculating the time credit which would be earned by an inmate who is continuously in Line Class I. This date is calculated by the Texas Department of Corrections upon admittance to the department.

.004. Date Subject to Change. The eligibility date for mandatory supervision release is subject to change in cases where an inmate's status is changed by the Texas Department of Corrections.

.005. Prerelease Program. Unless exempted by a parole panel or the Texas Department of Corrections, the inmate shall attend the Texas Department of Corrections prerelease program.

.006. Early Release. If an inmate has six months or less remaining on his or her sentence and has not reached the criteria set for mandatory supervision release, the board, upon its own motion or that of the inmate, may order the inmate released to mandatory supervision. This action shall only be taken if:

(a) the mandatory supervision plan is deemed adequate by the board and insures that the releasee will have employment and residence, and

(b) the board is convinced that the inmate will live within the law and conduct himself or herself in a manner that will be not injurious to the public welfare or safety.

.007. Release Certificate. When the board determines that an inmate should be released to mandatory supervision, the board shall issue a certificate to that effect signed by a board member or commissioner and shall forward that certificate to the institutional parole office in order that the inmate will be processed for release to mandatory supervision at the appropriate time.

.008. Visits to Penal Institutions. A mandatory supervision releasee may not enter a penal institution during the period of his or her supervision except under the following circumstances:

(a) with written permission of the proper authorities of the penal institution as designated by the director of the Texas Department of Corrections, a mandatory supervision releasee may visit a close relative (parent, sibling, spouse, or child) confined in that institution upon the approval of the regional supervisor for parole of the parole region in which the releasee is being supervised; or

(b) if the releasee is working in a rehabilitation program which has been approved by the director of the Division of Parole Supervision and such program requires the releasee to visit a penal institution, such visit may be allowed if approved by the proper authorities of the penal institution and the said director of Parole Supervision; or

(c) if called as a witness at a parole, mandatory supervision, or conditional pardon hearing, the releasee will be allowed to visit the penal institution for this specific purpose only upon approval of the regional supervisor for the region in which the releasee is being supervised.

.009. Revocation of Mandatory Supervision. An inmate released to mandatory supervision is subject to revocation of the mandatory supervision status under the following procedures:

(a) At such time as the board learns of an allegation of violation of one or more of the terms and conditions of mandatory supervision by a mandatory supervision releasee, the board shall refer the matter to a parole panel for review and initial determination of disposition.

(b) A parole panel shall review the information and make an initial determination to:

(1) request the governor to order the issuance of a prerevocation warrant; or

(2) order the issuance of a notice of allegation of mandatory supervision violation; or

(3) continue the alleged mandatory supervision pending disposition of any charges; or

(4) make final disposition of the matter by continuation of mandatory supervision under the same or modified conditions.

.010. Prerevocation Warrant, Issuance. Upon the receipt of an order of the governor, a prerevocation warrant shall issue to appropriate law enforcement authorities, authorizing any sheriff, peace officer, or other addressee named therein to arrest and hold the named releasee until such time as he or she may be placed in the custody of an agent of the Texas Department of Corrections, or until further order of the governor or the board.

.011. Notice of Allegations; Counsel; Request for a Hearing; Waivers. Upon order of a parole panel or at such time as an alleged mandatory supervision violator is arrested on a prerevocation warrant, he or she shall be personally served with written notice of:

- (a) the mandatory supervision violations alleged; and
- (b) his or her right to an on-site investigation (preliminary hearing) upon request; and
- (c) his or her right to a mandatory supervision violation hearing, upon request, within such time as provided by law.

.012. Assistance of Counsel. The alleged mandatory supervision violator shall be notified of his or her right to the assistance of a retained attorney during the investigation and/or violation hearing, and of his or her right to have an attorney appointed if he or she is indigent.

.013. Written Request for Counsel, Pauper's Oath. Upon written request by an alleged mandatory supervision violator, accompanied by an executed pauper's affidavit, an attorney shall be appointed to represent the alleged mandatory supervision violator during the on-site investigation.

.014. Written Request for Hearings, Waivers. The alleged mandatory supervision violator shall, at the time of service of notice of alleged violation(s), be given the opportunity to make a written request for an on-site investigation and for a mandatory supervision violation hearing, and to waive in writing both the on-site investigation and/or the mandatory supervision violation hearing. Written waivers must include an admission of violation of the terms and conditions of mandatory supervision. Any hearing previously requested may be waived in writing at any time prior to the hearing.

.015. Procedures after Waiver and Admission. Upon receipt of an admission of mandatory supervision violation and waiver of rights to an on-site investigation and mandatory supervision violation hearing, a parole panel shall review the case and make a final disposition by:

- (a) withdrawing the warrant (if any) and continuing the mandatory supervision under the same or modified conditions; or
- (b) recommending to the governor the revocation of mandatory supervision.

.016. Procedure after Request for Investigation and Hearing; Schedule; Notice; Hearing Officer. Following a request by an alleged mandatory supervision violator for an on-site investigation and mandatory supervision violation hearing, the following procedures will be followed:

- (a) An on-site investigation shall be scheduled for a date within a reasonable time after the date of the written re-

quest for such investigation, and shall be scheduled at or near the place of the alleged violation(s).

(b) Not less than 10 days prior to the on-site investigation, the alleged mandatory supervision violator shall be personally served with written notice of the date, time, and place of the investigation; the matters to be investigated; and the legal authority for the conduct of the investigation.

(c) A staff hearing officer who is not otherwise involved in the case shall be assigned to conduct the on-site investigation.

.017. On-Site Investigation. The hearing officer shall conduct the on-site investigation in accordance with the rules of procedure for hearings herein, and shall forward to the board:

- (a) all documents entered into the record of the investigation; and
- (b) a summary report of the investigation, setting out the findings of fact concerning the alleged mandatory supervision violations and stating conclusions as to whether or not the facts found provide reasonable grounds or probable cause to believe that the mandatory supervision releasee has violated one or more terms and conditions of his or her mandatory supervision.

.018. Review of On-Site Investigation: Findings and Further Disposition. Following submission of the completed summary of the on-site investigation, the following procedures will be followed:

- (a) the board shall refer the record and report of the on-site investigation to a parole panel;
- (b) a parole panel shall review the findings of the hearing officer and take one of the following actions:
 - (1) withdraw the warrant and continue mandatory supervision under the same or modified conditions, whether or not a mandatory supervision violation hearing has been requested (final disposition); or
 - (2) continue the mandatory supervision revocation process, if a mandatory supervision violation hearing has been requested; or
 - (3) request the governor to order the issuance of a prerevocation warrant and continue the mandatory supervision revocation process; or
 - (4) recommend to the governor the revocation of mandatory supervision, only if a mandatory supervision violation hearing has been waived (final disposition).

.019. Mandatory Supervision Violation Hearing: Setting; Notice; Counsel. If the decision by the parole panel under (b), above, is to continue the mandatory supervision process, the following procedure will be followed:

(a) Immediately after a determination by a parole panel to continue the mandatory supervision revocation process, a mandatory supervision violation hearing shall be scheduled, unless it has been waived in writing by the alleged mandatory supervision violator, to be held at the Texas Department of Corrections, or other place determined by a parole panel. The hearing shall be scheduled so as to be held within the time limits prescribed by law.

(b) Not less than 10 days prior to the date of the hearing, the alleged mandatory supervision violator shall be personally served with written notice of the date, time, and place of the mandatory supervision hearing; the matters to be heard; and the legal authority for the conduct of the hearing.

(c) The alleged mandatory supervision violator shall also be notified again of his or her right to the assistance of retained counsel at the hearing, and of his or her right to have an attorney appointed if he or she is indigent.

(d) Upon receipt of a written request by the mandatory releasee, accompanied by an executed pauper's affidavit, an attorney shall be appointed to represent the alleged mandatory supervision violator at the mandatory supervision violation hearing.

.020. Mandatory Supervision Violation Hearing: Conduct; Final Disposition.

(a) A mandatory supervision violation hearing shall be before a full parole panel, or a quorum thereof.

(b) The hearing shall be conducted in accordance with the rules of procedures for hearings herein.

(c) At the conclusion of the hearing, or within a reasonable time thereafter, a parole panel shall make a final decision to:

(1) withdraw the warrant and continue mandatory supervision under the same or modified conditions; or

(2) recommend to the governor the revocation of mandatory supervision.

(d) If the final disposition is a recommendation to the governor to revoke mandatory supervision, the mandatory releasee shall be so notified in writing, including findings of fact and conclusions of law, separately stated.

.021. Revocation of Mandatory Supervision: Recommendation; Proclamation; Warrant.

(a) At any time a parole panel makes a determination to recommend to the governor revocation of a mandatory supervision, the recommendation shall be transmitted, together with the record of the case, to the Office of the Governor.

(b) If the governor determines not to revoke mandatory supervision, any applicable prerovocation warrant shall be withdrawn, and the mandatory supervision continued.

(c) If the governor revokes the mandatory supervision, upon receipt by the board of the governor's proclamation of revocation, the proclamation shall be delivered to the Texas Department of Corrections or to such other penal institution in which the revoked mandatory releasee may be incarcerated.

(d) Also upon receipt of the governor's proclamation of revocation, a revocation warrant shall issue and be transmitted to the proper authorities, authorizing and directing any sheriff, peace officer, warden, or other addressee named therein to arrest and hold the named revoked mandatory releasee, and to deliver him or her to the Texas Department of Corrections or yield him or her to the custody of officers of the Texas Department of Corrections for return thereto.

.022. Revocation without Prejudice. In the event that a mandatory releasee is incarcerated in an institution of the Texas Department of Corrections to serve a sentence for a new conviction for a crime committed prior to incarceration for the sentence on which he or she was mandatorily released, or to serve a sentence for a previous conviction for which judgment became final while on mandatory supervision, a parole panel may, after a hearing, revoke the man-

datory supervision without prejudice to the mandatory releasee, in order to enable him or her to receive "good time" credit on the original sentence.

Issued in Austin, Texas, on May 5, 1978.

Doc. No. 783113

George G. Killinger, Ph.D.
Chairman
Texas Board of Pardons and Paroles

Effective Date: May 5, 1978

Expiration Date: September 2, 1978

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

Railroad Commission of Texas

Transportation Division

Miscellaneous 051.03.17

Pursuant to Section 5 of the Administrative Procedure and Texas Register Act of 1975, Texas Revised Civil Statutes Annotated, Article 6252-13a (Vernon Supplement 1978), the Railroad Commission of Texas has extended for 60 days, effective immediately, the effective period of the emergency amendment to Section (f) of Regulation 051.03.02.017, postponing the compliance date originally set forth in the June 6, 1977, adoption of Regulation 051.03.17.015: Approval of Agreement Between Carriers Concerning Group Representation, Motor Transportation Regulations Before the Transportation Division.

Pursuant to the above-referenced statutory authority, the Railroad Commission of Texas amended said Regulation 051.03.17.015(f) on January 4, 1978. Said Section (f) as originally adopted had required approval of the subject agreements on or before January 1, 1978. A combination of circumstances made it impossible to grant approval of any agreements by the deadline and the effect of the emergency amendment is to extend the deadline until May 1, 1978. Failure to extend said emergency amendment would have serious consequences and represent imminent peril to the continued regulatory functions of the commission necessary to provide transportation services to the public.

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783171

Mack Wallace
Chairman
Railroad Commission of Texas

Effective Date: May 10, 1978

Expiration Date: July 9, 1978

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

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

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

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

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

Texas Department of Health Nursing and Convalescent Homes Minimum Licensing Standards for Nursing Homes 301.54.02

Article 4442c, Texas Civil Statutes, as amended by Senate Bill 9, First Called Session, 65th Legislature, 1977, requires the Texas Department of Health:

(1) To establish requirements for in-service education of all nursing home employees who have any contact with residents. Moreover, Article 4442c authorizes the department to regulate the number and qualification of all personnel, including management and nursing personnel, having responsibility for any part of the care given to residents.

The department now proposes to amend Rule .006 by adding Section (e), staff development, to establish requirements for the orientation, training, and continuing education of all employees who have any contact with the residents. The intended effect of this amendment is to increase the quality of care given to residents by having facility staff personnel who are trained in the care of the residents.

(2) To establish requirements for a medical examination of each nursing home patient per year. The department now proposes to amend Rule .007 to set out the requirements of the medical examination. The intended effect of this amendment is to assure that each patient is given a medical examination recurring at least annually.

In addition, the department proposes to make minor changes in Rules .002, .006, and .011 as follows:

(1) .002: To clarify the definitions of nursing personnel and nonnursing personnel consonant with the proposed requirements of orientation, training, and in-service education.

(2) .006: To adjust the present requirements of orientation and in-service training for nursing personnel consonant with the proposed requirements of orientation, training, and in-service education.

(3) .011: To adjust the present requirements for in-service education programs for dietary employees consonant with the proposed requirements of orientation, training, and in-service education.

There are no fiscal implications of these rule amendments for the state or for the units of local government. The staff of the department was relied on in making this fiscal determination.

Public comment on the proposed rule amendments is invited and should be submitted in writing no later than June 30, 1978, to Robert Bernstein, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Public hearings will be held on the proposed rule amendments at the following locations and times:

(Editor's note: These hearings apply to all proposed Department of Health amendments in this issue unless otherwise specified.)

(1) May 30, 1978, 1 p.m.—Arlington Community Center Auditorium, 2800 South Center, Arlington

(2) June 2, 1978, 9:30 a.m.—Corpus Christi Nueces County Department of Health and Welfare, 1702 Horne Road, Corpus Christi

(3) June 6, 1978, 9:30 a.m.—Westend Health Center Auditorium, 190 Heights Boulevard, Houston

(4) June 7, 1978, 9:30 a.m.—Texas Department of Health Auditorium, 1100 West 49th Street, Austin

(5) June 9, 1978, 10 a.m.—Midland National Bank Building, Midland

(6) June 9, 1978, 2:30 p.m.—West Texas State University, Room 216, Activities Center, Canyon

The procedures at these hearings will be as follows:

(1) All interested persons will have the opportunity to present testimony and comments which are relevant and material to the proposed amendments.

(2) Testimony will be limited to 10 minutes per person because of the large attendance expected.

(3) Due to the time limits for testimony, all persons desiring to testify or comment are strongly urged to reduce as much of their testimony and comments to writing and present such material to the hearing officer at the hearing.

(4) Associations or other groups of people should select one spokesperson to present the viewpoints of the association or group.

(5) All testimony, written or verbal, will become part of the formal hearing record and will be carefully considered by the department in the final adoption process.

These amendments are being proposed pursuant to Article 4442c, Texas Civil Statutes.

.002. Definitions.

(e) Nursing personnel means all persons responsible for giving direct personal and nursing services to patients. Such personnel includes registered nurses, licensed vocational nurses, *therapists*, nurses aides, attendants, and orderlies.

(f) Nonnursing personnel means all persons who are not responsible for direct personal services to patients. *The following categories would include such personnel: administrative, dietary, medical records, activity, house-keeping and laundry, and maintenance.* [Such personnel

includes cooks, janitors, maids, laundresses, yard men, bookkeepers, and secretaries, and includes administrators unless they are also functioning as nurses.)

.006. Personnel.

(d) Staffing.

(2) The nursing service is directed by a registered professional nurse or a licensed vocational nurse who is a graduate of a state-approved school of vocational nursing, who is employed fulltime in the facility, and is responsible for the total nursing service. The director of nurses may be relieved on her days off by a licensed vocational nurse who obtained her license by waiver.

(C) *The director of Nursing Services assures that orientation, training, and continuing in-service education for all nursing personnel are provided consonant with the requirements of staff development in Section (e) of this rule.* [The director of Nursing Services plans and implements orientation programs for new personnel and continued in-service training for all nursing personnel.]

(e) Staff development.

(1) *Each facility shall implement and maintain programs of orientation, training, and continuing in-service education of all employees who have any contact with the residents. The programs shall meet the requirements described below.*

(2) *General description of orientation, training, and continuing in-service education programs. The following orientation, training, and continuing in-service education programs shall be provided by the facility for its employees as further defined:*

(A) *Present employees shall demonstrate and/or submit evidence that they have competency in the skills and have knowledge meeting the requirements or orientation, job-specific training, and general employee training, the same as required for new employees, or shall receive part or all orientation or training as necessary to have such required competency and knowledge. Documentation of attainment of competency and receipt of knowledge shall be on the same report forms as for new employees.*

(B) *New employees shall receive orientation, job-specific training, and general employee training of content, scope, training methods, and time frames as specified herein and as approved by the licensing agency.*

(C) *Both new and present employees must receive continuing in-service education of content, scope, training methods, and time frames as specified herein and as approved by the licensing agency.*

It will be the responsibility of the facility to provide these training programs or otherwise to assure that the facility employees secure or receive the necessary training and education.

(3) *Employees involved. Employees included are those having responsibility for any part of the care given to residents and who have any contact with residents. Licensed and degreed personnel will not be required to be included in Section II, Job-Specific Training, of the basic curricula of the licensing agency for these training programs, but will be included in training required for all employees found in Section I, Orientation, and Section III, General Employee Training, of the basic curricula. Examples of employee categories requiring orientation, job-specific training, and general employee training are: administrative (other than administrator); nursing; die-*

tary; therapy; housekeeping and laundry; maintenance; activity; medical records.

Administrators licensed by the Texas Board of Licensure for Nursing Home Administrators and administrators-in-training under the auspices of that board are not included. Consultants who are not employees of the facility are not included.

(4) *Facility training coordinator. The administrator of the nursing home or custodial care home shall designate in writing a facility training coordinator to organize, oversee, and coordinate the facility's program of orientation, job-specific training, general employee training, and continuing in-service education. The training coordinator shall engage the services of appropriate and competent persons to carry out or assist in carrying out the programs. A training coordinator may serve more than one facility as long as the training program requirements are met. As the training coordinator will be responsible for the training of all employee categories, that person shall be a professionally or vocationally licensed person or degreed professional in the health profession. Ideally, the training coordinator will have had training or experience in adult education.*

(5) *Methods acceptable. It is the intent of the licensing agency to accept various methods by which a facility accomplishes its training and in-service education programs as long as the employees receive the required quantity and quality of training and education within the required time frames. Programs may be conducted in the facility, in a school or college, or elsewhere. Instructors may be consultants, qualified facility employees, persons from outside the facility, or representatives of schools or other organizations, as engaged by the training coordinator. Facility employees with other duties may be used in training programs, as long as their other required duties are not adversely affected. Any generally recognized training technique may be used, including, when appropriate, demonstration and learning-by-doing while actually on the job.*

If the facility chooses to purchase training from a college, school, or other institution to meet these requirements, the course must be approved. For a college, school, or other institution to acquire approval, they must submit a letter of intent or curriculum they will use to the licensing agency for approval. If the college, school, or other institution uses the material suggested by the licensing agency, they may submit a letter of intent to the licensing agency. In either case, it is the facility's responsibility to determine that the college, school, or other institution has a current approval from the licensing agency.

(6) *Examinations. The training coordinator is to assure himself or herself that the employee being trained is in fact receiving the knowledge and attaining the skills in accordance with the intent of the program. The licensing agency will provide a sample of the required skills check list. The training coordinator may develop examinations or other tests of skills or knowledge.*

(7) *Facility records. Each facility shall keep appropriate records on each employee who must be involved in training and education programs. The records shall show the status of each employee with reference to his or her required training and education programs and shall show the completion and date of completion of each sub-*

ject. Copies of all records and skills checklists will be maintained in employees personnel files. When an employee terminates employment, the facility shall provide the employee with a copy of his or her record showing the training and education by subjects that have been completed. Facilities will also be expected to share record information with each other on request. All records shall be made available to representatives of the licensing agency. The facility shall also have a record showing the designation of the training coordinator by the administrator or the governing body and a resume or curriculum vitae of the coordinator.

(8) Programs curricula.

(A) New employee training. New employee orientation, job-specific training, and general employee training shall meet the requirements specified in "Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes, Texas Department of Health." The curriculum for an employee shall be as specified for the category or subcategory applicable to the employee.

Each facility shall submit a letter of intent, which shall include a copy of the curricula, if different from the one suggested by the licensing agency, the date of implementation of the training, the name and curriculum vitae of the designated training coordinator. The substituted curriculum is subject to approval by the licensing agency. A copy of the licensing agency's basic curricula and suggested plan for implementing the training program will be furnished to each facility; additional copies may be reproduced by the facility. The minimum intensity of training in each subject is shown in the licensing agency's basic curricula. Appropriate learning-by-doing, when supervised as training, may count toward general employee training or job-specific training.

(B) Continuing in-service education. Continuing in-service education subjects shall meet the minimum or basic requirements of the licensing agency or be as otherwise approved by the licensing agency.

(9) Schedule of training and continuing in-service education.

(A) New employee training. Full orientation shall be provided within the first four days of work. Job-specific training shall be completed within 60 days of employment. General employee training shall be completed with 60 days of employment.

(B) Continuing in-service education. Each new and present employee shall secure or receive the numbers of hours of continuing in-service education per year as appropriate to his or her specific job, but not less than the following: nurse aides and orderlies—three hours per quarter; food service supervisors, cooks and helpers, and dietary aides—two hours per quarter; dishwashers—one hour per quarter; housekeepers, janitors, and laundry workers—one hour per quarter; maintenance workers, lawn mowers, and handymen—one hour per quarter; activity staff—one hour per quarter; medical record staff—one hour per quarter.

The facility shall keep records of the total number of hours of in-service education for all employees in the home as well as records of attendance of each individual employee.

(C) Present employees. Present employees shall be assured of meeting the requirements for new employees within 90 days of effective date of organization of the facility's training and education programs. Documentation that present employees meet requirements for new employees shall be on the same report forms as used for new employees.

(10) Employees already or partly trained when employed. Any new employee who has already met all the training requirements need undergo only that part of training which would relate to orientation and general or specific training peculiar to the facility. To receive credit for all or any completed portion of past training, the employee must be able to offer documented evidence in the form of copies of records of subjects completed in the facility of former employment.

(11) Employees changing positions within the facility. An employee changing position within a facility will be considered as a new employee with respect to the new position, and will be subject to being provided with any additional training that would be required for the category or subcategory of the new position.

(12) Monitoring and assistance by the licensing agency. Each facility shall maintain not less than a 30-day advance schedule of training. The licensing agency may monitor any training or education session. The licensing agency will offer assistance in organizing and maintaining training programs, or in orienting training coordinators, to the extent licensing agency staff and funds permit.

(13) Implementation date. Each facility shall have in operation these programs of training and education within 120 days of effective date of rules establishing these programs requirements.

.007. Admission Policy.

(a) Each nursing care home shall require as a condition of admission that all patients have a physical examination by a physician licensed to practice medicine in Texas within 14 days prior to admission and that the home be furnished a written report of such examination, which report shall include diagnosis, orders, and any other information that may be needed for the care of the patients, however, if the referring physician is not the physician chosen to be the treating physician, it will be necessary for the patient to be seen by the treating or attending physician within 48 hours after admission.

(b) Each patient shall be examined at least annually by his or her family physician or physician designee, and a report shall be placed in the chart indicating the physician has done so and giving the physician's diagnosis. It is recommended by the licensing agency that every patient should be seen by the patient's attending physician at least quarterly or more often as necessary, and a written report of this visit should be attached to the patient's record in the home.

.011. Dietary.

(c) Food service employees shall be trained to perform assigned duties and participate in selected in-service education programs consonant with the requirements of state development in Rule .006.

Minimum Licensing Standards for Custodial Care Homes 301.54.03

Article 4442c, Texas Civil Statutes, as amended by Senate Bill 9, First Called Session, 65th Legislature, 1977, requires the Texas Department of Health:

(1) To establish requirements for in-service education of all custodial care home employees who have any contact with residents. Moreover, Article 4442c authorizes the department to regulate the number and qualification of all personnel, including management and nursing personnel, having responsibility for any part of the care given to residents.

The department now proposes to amend Rule .006 by adding Section (e), staff development, to establish requirements for the orientation, training, and continuing education of all employees who have any contact with the residents. The intended effect of this amendment is to increase the quality of care given to residents by having facility staff personnel who are trained in the care of the residents.

(2) To establish requirements for a medical examination of each custodial care home resident per year. The department now proposes to amend Rule .007 to set out the requirements of the medical examination. The intended effect of this amendment is to assure that each resident is given a medical examination recurring at least annually.

In addition, the department proposes to make minor changes in Rules .002 and .011 as follows:

(1) .002: To clarify the definition of nonattendant personnel consonant with the proposed requirements of orientation, training, and in-service education.

(2) .011: To adjust the present requirements for in-service education programs for dietary employees consonant with the proposed requirements of orientation, training, and in-service education.

There are no fiscal implications of these rule amendments for the state or for the units of local government. The staff of the department was relied on in making this fiscal determination.

Public comment on the proposed rule amendments is invited and should be submitted in writing no later than June 30, 1978, to Robert Bernstein, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public hearings will be held on the proposed rule amendments at the locations and times indicated in the preceding rules.

These rules are being proposed pursuant to Article 4442c, Texas Civil Statutes.

.002. Definitions.

(c) Attendant personnel are all persons who are responsible for direct personal services to residents. *Nonattendant personnel means all persons who are not responsible for direct personal services to residents. The following categories would include such personnel: administrative, dietary, medical records, activity, housekeeping and laundry, and maintenance.* [Nonattendant personnel includes cooks, janitors, porters, maids, laundresses, yard men, and administrators unless they are also functioning as attendants.]

.006. Personnel.

(e) Staff development.

(1) Each facility shall implement and maintain programs of orientation, training, and continuing in-service education of all employees who have any contact with the residents. The programs shall meet the requirements described below.

(2) General description of orientation, training, and continuing in-service education programs. The following orientation, training, and continuing in-service education programs shall be provided by the facility for its employees as further defined:

(A) Present employees shall demonstrate and/or submit evidence that they have competency in the skills and have knowledge meeting the requirements of orientation, job-specific training, and general employee training, the same as required for new employees, or shall receive part or all orientation or training as necessary to have such required competency and knowledge. Documentation of attainment of competency and receipt of knowledge shall be on the same report forms as for new employees.

(B) New employees shall receive orientation, job-specific training, and general employee training of content, scope, training methods, and time frames as specified herein and as approved by the licensing agency.

(C) Both new and present employees must receive continuing in-service education of content, scope, training methods, and time frames as specified herein and as approved by the licensing agency. It will be the responsibility of the facility to provide these training programs or otherwise to assure that the facility employees secure or receive the necessary training and education.

(3) Employees involved. Employees included are those having responsibility for any part of the care given to residents and who have any contact with residents. Licensed and degreed personnel will not be required to be included in Section II, Job-Specific Training, of the basic curricula of the licensing agency for these training programs, but will be included in training required for all employees found in Section I, Orientation, and Section III, General Employee Training, of the basic curricula. Examples of employee categories requiring orientation, job-specific training, and general employee training are: administrative (other than administration); nursing; dietary; therapy; housekeeping and laundry; maintenance; activity; medical records.

Administrators licensed by the Texas Board of Licensure for Nursing Home Administrators and administrators-in-training under the auspices of that board are not included. Consultants who are not employees of the facility are not included.

(4) Facility training coordinator. The administrator of the nursing home or custodial care home shall designate in writing a facility training coordinator to organize, oversee, and coordinate the facility's program of orientation, job-specific training, general employee training, and continuing in-service education. The training coordinator shall engage the services of appropriate and competent persons to carry out or assist in carrying out the programs. A training coordinator may serve more than one facility as long as the training program requirements are met. As the training coordinator will be responsible for the training of all employee categories,

that person shall be a professionally or vocationally licensed person or degreed professional in the health profession. Ideally, the training coordinator will have had training or experience in adult education.

(5) *Methods acceptable.* It is the intent of the licensing agency to accept various methods by which a facility accomplishes its training and in-service education programs as long as the employees receive the required quantity and quality of training and education within the required time frames. Programs may be conducted in the facility, in a school or college, or elsewhere. Instructors may be consultants, qualified facility employees, persons from outside the facility, or representatives of schools or other organizations, as engaged by the training coordinator. Facility employees with other duties may be used in training programs, as long as their other required duties are not adversely affected. Any generally recognized training technique may be used, including, when appropriate, demonstration and learning-by-doing while actually on the job.

If the facility chooses to purchase training from a college, school, or other institution to meet these requirements, the course must be approved. For a college, school, or other institution to acquire approval, they must submit a letter of intent or curriculum they will use to the licensing agency for approval. If the college, school, or other institution uses the material suggested by the licensing agency, they may submit a letter of intent to the licensing agency. In either case, it is the facility's responsibility to determine that the college, school, or other institution has a current approval from the licensing agency.

(6) *Examinations.* The training coordinator is to assure himself or herself that the employee being trained is in fact receiving the knowledge and attaining the skills in accordance with the intent of the program. The licensing agency will provide a sample of the required skills check list. The training coordinator may develop examinations or other tests of skills or knowledge.

(7) *Facility records.* Each facility shall keep appropriate records on each employee who must be involved in training and education programs. The records shall show the status of each employee with reference to his or her required training and education programs and shall show the completion and date of completion of each subject. Copies of all records and skills checklists will be maintained in employees personnel files. When an employee terminates employment, the facility shall provide the employee with a copy of his or her record showing the training and education by subjects that have been completed. Facilities will also be expected to share record information with each other on request. All records shall be made available to representatives of the licensing agency. The facility shall also have a record showing the designation of the training coordinator by the administrator or the governing body and a resume or curriculum vitae of the coordinator.

(8) *Programs curricula.*

(A) *New employee training.* New employee orientation, job-specific training, and general employee training shall meet the requirements specified in "Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes, Texas Department of Health." The curriculum for an employee shall be

as specified for the category or subcategory applicable to the employee.

Each facility shall submit a letter of intent which shall include a copy of the curricula, if different from the one suggested by the licensing agency, the date of implementation of the training, the name and curriculum vitae of the designated training coordinator. The substituted curriculum is subject to approval by the licensing agency. A copy of the licensing agency's basic curricula and suggested plan for implementing the training program will be furnished to each facility; additional copies may be reproduced by the facility. The minimum intensity of training in each subject is shown in the licensing agency's basic curricula. Appropriate learning-by-doing, when supervised as training, may count toward general employee training or job-specific training.

(B) *Continuing in-service education.* Continuing in-service education subjects shall meet the minimum or basic requirements of the licensing agency or be as otherwise approved by the licensing agency.

(9) *Schedule of training and continuing in-service education.*

(A) *New employee training.* Full orientation shall be provided within the first four days of work. Job-specific training shall be completed within 60 days of employment. General employee training shall be completed with 60 days of employment.

(B) *Continuing in-service education.* Each new and present employee shall secure or receive the numbers of hours of continuing in-service education per year as appropriate to his or her specific job; but not less than the following: nurse aides and orderlies—three hours per quarter; food service supervisors, cooks and helpers, and dietary aides—two hours per quarter; dishwashers—one hour per quarter; housekeepers, janitors, and laundry workers—one hour per quarter; maintenance workers, lawn mowers, and handymen—one hour per quarter; activity staff—one hour per quarter; medical record staff—one hour per quarter.

The facility shall keep records of the total number of hours of in-service education for all employees in the home as well as records of attendance of each individual employee.

(C) *Present employees.* Present employees shall be assured of meeting the requirements for new employees within 90 days of effective date of organization of the facility's training and education programs. Documentation that present employees meet requirements for new employees shall be on the same report forms as used for new employees.

(10) *Employees already or partly trained when employed.* Any new employee who has already met all the training requirements need undergo only that part of training which would relate to orientation and general or specific training peculiar to the facility. To receive credit for all or any completed portion of past training, the employee must be able to offer documented evidence in the form of copies of records of subjects completed in the facility of former employment.

(11) *Employees changing positions within the facility.* An employee changing position within a facility will be considered as a new employee with respect to the new position, and will be subject to being provided with

any additional training that would be required for the category or subcategory of the new position.

(12) *Monitoring and assistance by the licensing agency.* Each facility shall maintain not less than a 30-day advance schedule of training. The licensing agency may monitor any training or education session. The licensing agency will offer assistance in organizing and maintaining training programs, or in orienting training coordinators, to the extent licensing agency staff and funds permit.

(13) *Implementation date.* Each facility shall have in operation these programs of training and education within 120 days of effective date of rules establishing these programs requirements.

.007. Admission Policy.

(a) Each custodial care home shall require as a condition of admission that all residents have a physical examination by a physician licensed to practice medicine in Texas immediately prior to admission and that the home be furnished a written report of such examination, which report shall include diagnosis, orders, and any other information that may be needed for the care of the residents; provided, however, that residents admitted outside the county in which the custodial care home is located shall have 48 hours from the time of admission in which to obtain such a report from a local physician who is licensed to practice medicine in Texas.

(b) *Each resident shall be examined at least annually by his or her family physician or physician designee, and a report shall be placed in the chart indicating the physician has done so and giving the physician's diagnosis.* It is recommended by the licensing agency that every resident should have a physical examination by the resident's attending physician (at least annually or more often as necessary, and a written report of this examination shall be attached to the resident's record in the home.

.011. Dietary.

(c) Food service employees shall be trained to perform assigned duties and participate in selected in-service education programs consonant with the requirements of staff development in Rule .006.

Doc. No. 783136

Procedures on Long-Term Care Facilities 301.54.05

Senate Bill 9, First Called Session, 65th Legislature, 1977, amended the Texas Nursing and Convalescent Homes Act, Article 4442c, Texas Civil Statutes, with reference to confidentiality of information gained during inspection or investigation of long-term care facilities. Article 4442c now provides that reports or papers relating to inspections, investigations, and similar contacts with facilities, with some exceptions, are to be available for public inspection.

The Texas Department of Health now proposes to establish a rule on procedures for inspection of these records and papers, consonant with the Texas Open Records Act, Article 6252-17a, Vernon's Annotated Civil Statutes. The rule amends the department's present Procedures on Long-Term Care Facilities by adding Rule .009. The intended effect of this rule is to establish procedures for making records availa-

ble and to provide reasonable opportunity for a person to inspect the said records and papers.

There are no fiscal implications of this rule for the state or for the units of local government. The staff of the department was relied on in making this fiscal determination.

Public comment on the proposed rule is invited and should be submitted in writing no later than June 30, 1978, to Robert Bernstein, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A public hearing will be held on the proposed rule in Austin on June 7, 1978, at 9:30 a.m., Texas Department of Health Auditorium, 1100 West 49th Street.

This rule is proposed pursuant to Article 4442c, Texas Civil Statutes, and Article 6252-17a, Vernon's Annotated Civil Statutes.

.009. Procedures for Inspection of Public Records.

(a) Procedures for inspection of public records will be in accordance with the Texas Open Records Act, Article 6252-17a, Vernon's Annotated Civil Statutes, and as further described herein.

(b) The department's Bureau of Long-Term Care will be responsible for the maintenance and release of records on licensing, certification, quality of patient/resident care in long-term facilities, and other related records.

(c) All applications to inspect or copy the subject records should be made to the Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas. Requestors should, if possible, give the bureau reasonable prior notice of the time that the requestor would like to inspect or copy the records.

(d) Requestors shall give proper identification and shall specify the records to be inspected or copied.

(e) Original records may be inspected or copied, but in no instance will original records be removed from department offices.

(f) All information deemed confidential by law, either constitution, statutory, judicial, or regulatory, shall not be disclosed to the public.

(1) Information pertaining to reports of and investigation papers of abuse and neglect under Section 16, Article 4442c, Vernon's Texas Civil Statutes, is confidential except for information on the central registry provided in Section 16 and except as is otherwise provided in Rule .008 of these rules.

(2) The following information is confidential and will be de-identified on record copies that are made for public view or copying:

(A) sources of complaints;

(B) names and related personal information regarding patients and residents in long-term care facilities;

(C) names of applicable health care practitioners.

(3) An original record will not be altered or de-identified to meet the provisions of subsection (2) above. Only a properly de-identified copy will be made available for public view or release to a requestor.

(4) Itineraries of survey personnel are confidential because of the requirements of unannounced inspections.

(g) Charging for copies of records.

(1) If the requestor simply wants to inspect records, the requestor will specify the records to be inspected and the bureau will make no charge for this service, except where the

bureau chief determines that a charge is appropriate based on the nature of the request.

(2) If the requestor wants to request copies of a record, the requestor will specify in writing the records to be copied on an appropriate bureau form, and the bureau will complete the form by specifying the cost of the records which the requestor shall pay in advance. Checks and other instruments of payment will be made payable to the Texas Department of Health.

(3) Any expenses for standard-size copies incurred in the reproduction, preparation, or retrieval of records shall be borne by the requestor on a cost basis in accord with costs established by the State Board of Control for office machine copies. The charges are as follows: maximum charge for the first copy of a letter- or legal-size page is 55 cents. Subsequent copies of the same document or of succeeding pages is 15 cents per page. If the actual cost of reproducing such documents is less than the maximum charge established by the Board of Control, the bureau may charge the lesser amount. When the documents are mailed, the department may charge for the postage at the same time it charges for the reproduction. All applicable sales taxes will be added to the cost of copying records. When a request involves more than one long-term care facility, each facility will be considered as a separate request.

(h) The bureau will make a reasonable effort to furnish records promptly and will extend to the requestor all reasonable comfort and facility for the full exercise of the rights granted by the Open Records Act.

Doc. No. 783137

Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes 301.54.09

Article 4442, Texas Civil Statutes, as amended by Senate Bill 9, First Called Session, 65th Legislature, 1977, requires the Texas Department of Health to establish requirements for in-service education of all employees in nursing homes and custodial care homes who have any contact with residents. Moreover, Article 4442c authorizes the department to regulate the number and qualification of personnel, including management and nursing personnel, having responsibility for any part of the care given to residents.

The department now proposes to promulgate Rule .001, adopting by reference the department's pamphlet entitled *Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes*. The intended effect of this rule is to establish a uniform and minimum curricula to be used in facility staff development programs, contributing to increased quality of care given to residents by having facility staff personnel who are trained in the care of residents.

The major provisions of the curricula are:

(1) Orientation of facility's personnel and residents regarding: facility's purpose; organization; personnel policies and procedures; types of residents; laws and rules governing facility; reporting incidents and accidents; communication between facility personnel and residents; and resources available to a facility.

(2) Types of specific training for nursing home personnel regarding: nursing practices; dietary services; housekeeping and laundry; maintenance; directing activities; and supervising medical records.

(3) Types of general training for nursing home personnel regarding: patient resident rights; interdisciplinary health care team and needs of patients; what is expected of employees; basic principles of asepsis, infection, and hygiene; nursing; nutrition; pharmacy; sanitation; housekeeping; and safety.

The curricula is generally available to the public and copies may be obtained from Howard Allen, executive assistant, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

There are no fiscal implications of this rule for the state or for the units of local government. The staff of the department was relied on in making this fiscal determination.

Public comment on the proposed rule is invited and should be submitted in writing no later than June 30, 1978, to Robert Bernstein, M.D., chief, Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public hearings will be held on the proposed rule at the locations and times indicated in the subcategory of rules 301.54.02 above.

This rule is proposed pursuant to Article 4442c, Texas Civil Statutes.

.001. *Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes*. The Texas Department of Health adopts by reference the department's pamphlet entitled *Basic Curricula for Employee Orientation and Training in Nursing Homes and Custodial Care Homes*. Copies of this pamphlet are available on request and also may be inspected in the office of the department's Bureau of Long-Term Care, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783138 Raymond T. Moore, M.D.
Deputy Commissioner
Texas Department of Health

Proposed Date of Adoption: July board meeting

For further information, please call (512) 458-7706.

Texas Department of Human Resources

Nursing Facility Administration

Mental Retardates in Nursing Homes

326.33.01

The Department of Human Resources proposes the repeal of Rules 326.33.01.001-.004, about mentally retarded patients residing in nursing facilities. Since April, 1975, the department has, on a case-by-case basis, authorized general nursing care facilities to admit and retain certain Title XIX recipients with a primary diagnosis of mental retardation. The purpose of this exception to department policy was to develop criteria and standards for the establishment of long-term care

facilities specifically designed for the care and treatment of the mentally retarded.

Sufficient data has now been collected and appropriate MR levels of care are being assigned to recipients with a primary diagnosis of mental retardation. These patients have specialized needs which can best be met in facilities certified to provide care for the mentally retarded. In recognition of these needs, the department is no longer authorizing placement of the mentally retarded in regular nursing facilities. This policy, therefore, will necessitate the repeal of the following rules.

Since a number of mentally retarded individuals were placed in regular nursing facilities, a program of relocating such recipients into ICF-MR facilities will begin immediately under the supervision of the Department of Health's patient care units.

The department has determined that the cost of implementing the proposed repeals, as appropriated by the 65th Legislature, will be approximately \$4,744 for fiscal year 1978 and \$10,060 for fiscal year 1979. Budget recommendations for the following years are: \$10,661 for fiscal year 1980, \$11,302 for fiscal year 1981, and \$11,979 for fiscal year 1982. The proposed repeals do not have fiscal implications for units of local government. The estimated additional funding is required to transfer MR patients now in the ICF program into ICF-MR facilities beginning in the middle of fiscal year 1978.

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—189, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this Register.

The following repeals are proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

- .001. Admission to Proprietary Nursing Care Facility.
- .002. Criteria for Approving Exceptions.
- .003. Referral Summary.
- .004. Psychological Evaluation.

Issued in Austin, Texas, on May 9, 1978.

Doc. No. 783145 Jerome Chapman
Commissioner
Texas Department of Human Resources

Proposed Date of Adoption: June 16, 1978
For further information, please call (512) 475-4601

Texas Board of Pardons and Paroles

Parole

Selection for Mandatory Supervision 205.05.02

The Texas Board of Pardons and Paroles is proposing for permanent adoption the emergency rules, Rules 205.05.02.001-.022, it adopts in this issue.

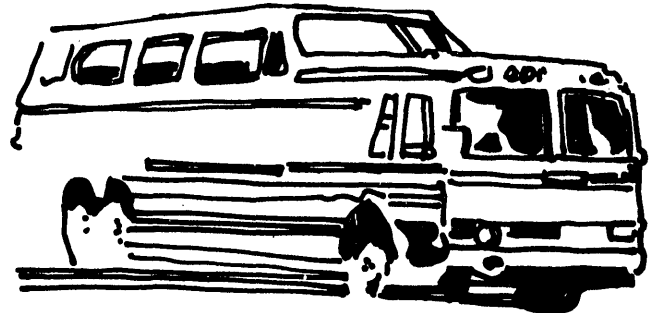
The executive director of the Board of Pardons and Paroles has determined that the promulgation, adoption, and imple-

mentation of these rules will cause no fiscal implications other than those envisioned by the enabling legislation.

Public comment on these rules is invited. Any such comment shall be accepted for 20 days following publication and should be directed to John G. Jasuta, attorney, Board of Pardons and Paroles, Room 711, Stephen F. Austin Building, P.O. Box 13401, Austin, Texas 78711.

These rules are proposed under the authority of Article 42.12, Sections 15(g) and 14A(i), Texas Code of Criminal Procedure (Supplement 1977). The proposed date of adoption is June 16, 1978.

Doc. No. 783114



Railroad Commission of Texas

Transportation Division

Motor Bus Companies 051.03.13

The Railroad Commission of Texas proposes to amend Regulation 051.03.13.033(a) permitting carriers to transport elementary and secondary school students on trips involving school-related activities without the necessity of possessing or obtaining charter authority from the commission.

The amendment is necessary to avoid discrimination against private and parochial school students, who were inadvertently omitted from the exemption under the original language of the regulation. It will further provide that only bus companies with insurance on file with the commission will be allowed to provide this service, rather than any person as the current regulation allows. Finally, the amendment will raise the age limit of students who may be transported under the exemption from 18 to 19 years. In its present form, the regulation excludes high school students over 18 years of age.

The staff of the Transportation Division of the Railroad Commission of Texas has determined that the proposed amendment will have no fiscal impact on any unit of state or local government.

Public comment on the proposed amendment to Regulation 051.03.13.033 is invited. Comments may be submitted to John G. Soule, acting director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 911a, Section 7 (Vernon 1964).

.033. Charter Operations.

(a) "Charter or special party" means a group of persons who, pursuant to a common purpose and under a single contract, have acquired exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or on a particular itinerary, either agreed in advance or subject to modification; provided, however, that said term shall not include *students 19* [children 18] years of age or younger, who in the course of secondary or elementary [public] school activities, under the direction of public, *private, or parochial* school authorities, acquire the exclusive use of a passenger-carrying vehicle *registered to a bus company with insurance on file with the commission*, and travel together as a group.

Doc. No. 783170

Miscellaneous 051.03.17

The Railroad Commission of Texas is proposing to amend Section (f) of Regulation 051.03.17.015. The amendment would postpone the date by which approval of the subject agreements is required from January 1, 1978, until May 1, 1978. A combination of circumstances has made it impossible to grant approval of any agreements by January 1, 1978.

The staff of the Transportation Division has determined that the proposed amendment will have no fiscal impact on any unit of state or local government.

Public comment on the proposed amendment is invited. Comments may be directed to John G. Soule, acting director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711.

This amendment is proposed pursuant to Texas Revised Civil Statutes Annotated, Article 911a, Section 7 (Vernon 1964).

.015. Approval of Agreements between Carriers Concerning Group Representation.

(f) Limitation on group appearances. From and after *May* [January] 1, 1978, the commission will not permit appearances by and on behalf of groups of carriers unless it is shown that the agreement and procedures under which such group is organized have met the requirements of this regulation and have been duly approved by the commission hereunder. This limitation shall not preclude joint representation of carriers who appear in their individual capacities.

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783172 John G. Soule, Acting Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption: June 16, 1978

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

ADOPTED RULES

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

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

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

Texas Department of Agriculture

Seed Division

Field Inspection Chart 176.83.24

Under the authority of Article 67b, Texas Civil Statutes, the Texas Department of Agriculture adopts amendments to Rule 176.83.24.001.

.001. *Number and Time of Field Inspections.* The following Number and Time of Field Inspections chart as amended in April, 1978, that designates date of application and time of field inspection for various crop kinds as required for seed certification for genetic identity only, is adopted by reference for the purpose of seed certification by genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, or by telephoning (512) 475-2038.

Doc. No. 783177

Acresage Inspection Fees for Certification 176.83.25

Under the authority of Article 67b, Texas Civil Statutes, the Texas Department of Agriculture adopts amendments to Rule 176.83.25.001 of the seed certification standards which were promulgated by the State Seed and Plant Board to effect conformity with the seed certification requirements of the Federal Seed Act.

.001. *Table I.*

Kind	Foundation	Registered	Certified
Alfalfa ¹	\$.50	\$.50	\$.50
Buckwheat	.25	.25	.25
Cantaloupe	2.50	2.50	2.00
Clover (all kinds)	.50	.50	.50
Corn ²	1.50	----	1.50

Cotton	.20	.15	.10
Cowpea and field bean	.75	.50	.50
Flax ³	.75	.75	.75
Forest tree seed ⁴	----	----	2.00
Forest tree seedling ⁵	----	----	35.00
Grass (seeded) ⁶	2.00	2.00	2.00
Grass (vegetatively propagated) ⁷	12.00	12.00	12.00
Guar	2.00	2.00	1.50
Millet (foxtail and pearl)	1.00	.80	.50
Millet (Gahi I and hybrids)	1.50	----	1.25
Okra	2.00	2.00	1.50
Peanut ⁸	.35	.35	.35
Small grain ⁹	.25	.25	.25
Rice	2.00	2.00	1.50
Sorghum (open pollinated)	.60	.50	.40
Sorghum (commercial hybrids) ¹⁰	----	----	1.25
Sorghum (A, B, and R lines) ¹¹	5.00	----	----
Soybean	.45	.35	.25
Sugar cane	2.50	----	2.00
Sunflower (commercial hybrids) ¹⁰	----	----	1.25
Sunflower (female seed parent and pollinator)	5.00	----	----
Watermelon	3.50	3.50	3.00

¹Fifty cents per acre for the first 150 acres, 25 cents per acre for each additional acre in excess of 150 acres.

²One dollar and fifty cents for the first 100 acres, 75 cents for each additional acre in excess of 100 acres.

³Seventy-five cents for the first 100 acres, 50 cents per acre for each additional acre in excess of 100 acres.

⁴Two dollars per acre for the first 25 acres per county, \$1 per acre in excess of 25 acres per county.

⁵Thirty-five dollars for each nursery site.

⁶Two dollars per acre for the first 100 acres, \$1.75 for each additional acre in excess of 100 acres. Fee required only once a year at time of application, regardless of number of inspections or harvest made.

⁷Preplanting inspection... \$12 for any acreage up to and including the first three acres, \$2 per acre in excess of three acres... Sprig inspection—\$12 for any acreage up to and including the first three acres, \$2 per acre in excess of three acres. Fee required only once a year at time of application, regardless of number of inspections or harvests made.

⁸Thirty-five cents per acre for the first 50 acres, 15 cents per acre for each additional acre in excess of 50 acres.

⁹Twenty-five cents per acre for the first 200 acres, 10 cents per acre for any additional acreage in excess of 200 acres.

¹⁰One dollar and 25 cents per acre for the first 50 acres, \$1 per acre for each additional acre up to and including 100 acres, 75 cents per acre for each additional acre in excess of 100 acres.

Five dollars per acre for the first five acres in one seed block, \$2.50 per acre for each additional acre up to and including 10 acres in one seed block, \$1.50 per acre for each additional acre in excess of 10 acres in one seed block.

Doc. No. 783178

Laboratory Analysis Chart 176.83.26

Under the authority of Article 67b, Texas Civil Statutes, the Texas Department of Agriculture adopts amendments to Rule 176.83.26.001.

.001. *Minimum Amount of Seed Required for Laboratory Analysis.* The Minimum Amount of Seed Required for Laboratory Analysis chart as amended in April, 1978, that details the minimum amount of seed required for laboratory analysis, is adopted by reference for the purpose of seed certification for genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, or by telephoning (512) 475-2038.

Doc. No. 783179

Genetic Seed Chart 176.83.27

Under the authority of Article 67b, Texas Civil Statutes, the Texas Department of Agriculture adopts amendments to Rule 176.83.27.001.

.001. *Genetic Seed Certification Standards.* The Seed Certification—Isolation Distances chart and footnotes as amended April, 1978, that delineate isolation distances are adopted by reference for the purpose of seed certification by genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, or by telephoning (512) 475-2038.

Doc. No. 783180

Additional Requirements for the Certification of Certain Crops 176.83.28

Under the authority of Article 67b, Texas Civil Statutes, the Texas Department of Agriculture adopts amendments to Rule 176.83.28.003 and adds Rule 176.83.28.007, which were promulgated by the State Seed and Plant Board to effect conformity with the seed certification requirements of the Federal Seed Act.

.003. *Definition of Terms and other Requirements.*

(c) Hybrid sunflower.

(1) The class "foundation" shall be recognized for the female seed parent and male pollinating parent used for the production of commercial hybrids.

(2) A commercial hybrid is one to be planted for any use except seed production. Only the class "certified" is recognized in hybrid sunflower.

(3) A commercial hybrid to be certified must be produced from foundation seed stock approved by the certifying agency.

(4) A female seed parent and male pollinating parent is one to be planted for use in the production of hybrid sunflower seed.

(5) The name under which any seed parent, male pollinating parent, or commercial hybrid shall be certified shall be the same as the designation given by the originator or originating agency.

(6) The entire acreage in an isolated seed production plot or in a given seed production field must be eligible and must be inspected.

(7) Pollen rows must be identified by stakes at each end.

.007. *Requirements and Standards for Sunflower Varietal Purity Grow Outs.* All production of female seed parents, pollinating seed parents, and commercial hybrids must be test-planted (variety purity grow out test). Such test must be conducted under the supervision of the Seed Division, Texas Department of Agriculture, as the enforcement agency. The required tests must consist of not less than one-tenth acre of not less than 2,000 plants in one location. It will be the responsibility of the seed producer to notify his or her area supervisor in the area where the seed is stored when the lot of seed is ready to be sampled.

The Texas Department of Agriculture must draw the samples to be test-planted. One pound of seed will be required for each one-tenth acre test. The test will be inspected during the bloom stage by approved inspectors of the Texas Department of Agriculture.

A sample considered to be on the borderline between acceptance and rejection and a sample rejected by the Texas Department of Agriculture will be inspected by an advisory committee annually appointed by the State Seed and Plant Board. The committee will consist of two approved seed certification inspectors from the Texas Department of Agriculture, two Texas certified seed growers, and one member of the Texas Agricultural Experiment Station. The committee will advise the director of the Seed Division, Texas Department of Agriculture, of their recommendations. The seed producer will have the privilege of having at least a two-fifths acre plot of a lot rejected in the grow out test planted for reconsideration by the Texas Department of Agriculture and the advisory committee. The same controls will apply to larger plots that are applicable to the one-tenth acre tests.

A fee of \$50 for each sample grown for reconsideration must be paid to the Texas Department of Agriculture, and the travel and per diem expenses of the Texas Department of Agriculture personnel necessary to sample, plant, and inspect the larger plot must be paid by the seed producer.

Removal of any plants from any of the aforementioned grow out tests at any time by the seed producer or by anyone else with his or her knowledge prior to the acceptance or rejection of the lot represented will immediately cancel the eligibility of the producer to certify.

Varietal Purity Grow Out Test Standard

Female Seed Parent

Off-type plants other than female counterpart
shedders and mutations 0.20% (1:500)
Plants shedding pollen 0.40% (1:250)

Pollinating Seed Parent

Off-type plants 0.20% (1:500)

Commercial Hybrids

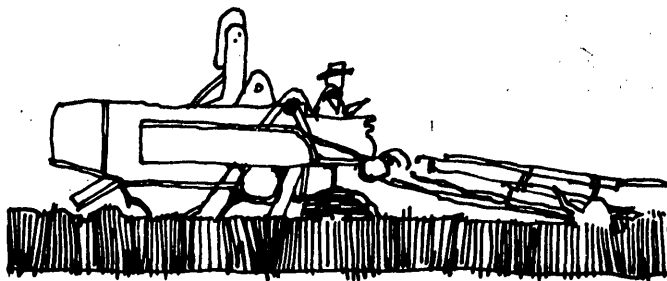
Off-type plants (single branch) 0.40% (1:250)
 Off-type plants (multibranch) 0.20% (1:500)

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783181 Reagan V. Brown
 Commissioner of Agriculture

Effective Date: May 30, 1978

For further information, please call (512) 475-2038.



Texas Education Agency Foundation School Program

Average Daily Attendance 226.41.02.020-.030

The Texas Education Agency has amended Rules 226.41.02.020-.030 concerning average daily attendance. Rules .040-.070 have also been adopted. Rule .020 defines "eligible ADA" for transfer purposes. Rule .030 defines "resident pupil." Rules .040-.070 define "approved transfer pupil" and set out regulations and procedures for transfers.

Public review and discussion of the proposed rules were held. Rules .020 and .030 are adopted with no change from the text proposed.

These rules are promulgated under the authority of Sections 16.005 and 21.061-.063, Texas Education Code.

.020. Eligible ADA. A pupil may be counted as eligible ADA if he is a resident or an approved transfer student.

.030. Resident Pupil.

(a) A resident pupil is one who lives within the boundaries of a district.

(b) After a resident pupil has been in membership in a school district and his or her legal residence has been changed because his or her parents or guardians have moved to another school district, this pupil is eligible to remain in this district for the remainder of the school year or is eligible to attend school in the district to which his or her legal residence has been moved.

Doc. No. 783174

226.41.02.040-.070

The Texas Education Agency has adopted Rules 226.41.02.040-.070 concerning average daily attendance. The rules define "approved transfer pupil" and set out regulations and procedures for pupil transfers.

Under the new rules, districts will be notified by July 15 by the Texas Education Agency whether or not their proposed transfers as of May 1 will cause the district to be in violation of Court Order 5281. Districts which would be in violation shall not effect any transfers without prior approval of the agency. Transfers between districts not notified of a possible violation of the court order may be effected between districts involved, without agency approval.

Public review and discussion of the proposed rules were held. The rules are adopted with two changes from the text proposed. Both are editorial only. The policy section of Rule .020 in this subseries is being moved to Rule .060. The policy section of Rule .030 is moved to Rule .070. In neither case is there a change in the text.

These rules are promulgated under the authority of Sections 16.005 and 21.061-.063, Texas Education Code.

.040. Approved Transfer Pupils. An approved transfer pupil is one who lives in one Texas school district and is approved to attend a school in another school district in Texas.

Districts will be notified by July 15 by the State Funding Division whether or not proposed transfers as of May 1 will cause their district to be in violation of Court Order 5281. Districts who are in violation will not effect any transfers without prior approval of the Texas Education Agency.

Districts notified that their proposed transfers as of May 1 will be in violation of Court Order 5281 may submit only extreme hardship transfers to the agency for approval.

Hardship transfers (those after May 1) between districts not being notified of a possible violation of Court Order 5281 may be effected between districts involved; however, the hardship transfer forms must be on file with the receiving school district.

.050. Procedure for Transfer.

(a) **Eligibility.** Within the limits set out in this administrative procedure, any child who is eligible to attend the free public schools of Texas at the beginning of the scholastic year may be eligible for a transfer from his or her district of residence to any other Texas school district.

(b) **Requirement.** Both the receiving school district and the parent, guardian, or other person having lawful control of the child must agree in writing to the transfer. The acceptance of transfers is subject to the policies of the board of trustees of the receiving district.

(c) **Filing.** To be valid, all transfers must be made on forms approved by the Texas Education Agency and filed with the receiving district. A report on proposed transfers accepted by May 1 will be forwarded to the Texas Education Agency, State Funding Division, prior to May 15. These reports will be used by the agency to determine the resulting ethnic ratio of each campus in each district based on the proposed transfers submitted by the districts.

(d) **Tuition.** The receiving district may require a tuition fee not to exceed the expenditure from local funds per

pupil in average daily attendance. The expenditure from local funds per pupil in average daily attendance is determined by the local board of school trustees. Tuition which is greater than that charged in the previous year may not be charged unless it is specified in the transfer agreement.

.060. Transfer of Average Daily Attendance for Distribution of the State Available School Fund.

(a) Policy. Any eligible scholastic may be transferred from one district to another. His average daily attendance will be transferred from the district he attended the previous year for the apportionment of the State Available School Fund and tuition may be charged.

(b) Administrative procedure. If the number of grades to be taught is reduced by the county board of school trustees, the average daily attendance earned by pupils in the grades no longer taught is subtracted from the district's prior year's average daily attendance. The average daily attendance of a pupil whose grade is no longer taught in his home district is individually transferred to the school to which he transfers.

.070. Transfer of Average Daily Attendance When Schools Are Consolidated or Contracted.

(a) Policy. If all pupils from one district are transferred to another by consolidation or contract, the average daily attendance earned in the district of the attendance is transferred to the receiving district. Average daily attendance earned in districts not allocated professional units under the Foundation School Program may be counted in determining eligibility for classroom teacher units and for the apportionment of State Available School Fund for the current year only if ineligible districts consolidate with or contract to an eligible school district participating in the Foundation School Fund Program before September 1 of the current school year.

(b) Administrative procedure. When districts are consolidated or contracted, the average daily attendance earned in the consolidated or contracted district is automatically transferred to the new district when the Texas Education Agency is notified of the consolidation or contract. (See also Policies and Administrative Procedures 4400, Pupil Attendance Accounting.)

Issued in Austin, Texas, on May 9, 1978.

Doc. No. 783175 M. L. Brockette
Commissioner of Education

Effective Date: May 31, 1978

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

Office of the Governor Budget and Planning Office Intrastate Allocation Procedures for Federal Coastal Energy Impact Program Assistance 001.60.11

The Budget and Planning Office has adopted Rules 001.60.11.001-.011 concerning the intrastate allocation of financial assistance allotted to the State of Texas under the

federal Coastal Energy Impact Program. These rules are adopted in accordance with Section 308(g)(2) of Public Law 94-370 (Senate 586, 94th Congress, July 26, 1976) as further amplified by final regulations (15 Code of Federal Regulations 931) published in the *Federal Register* on February 23, 1978. These final regulations were published by the U.S. Department of Commerce, Office of Coastal Zone Management, subsequent to the issuance of the proposed text of this rulemaking. Consequently, these rules have been amended as necessary to reflect the intents and purposes of the final regulations for the Coastal Energy Impact Program. In addition, these rules have been modified for purposes of clarification or improvement, in several instances, based on comments received during the review period.

Due to continuing participation in the Federal Coastal Zone Management Program, the State of Texas is eligible to participate in the Coastal Energy Impact Program. The primary purpose of this program is to provide coastal states and units of local government with financial assistance to mitigate the adverse onshore effects of new or expanded coastal energy activity.

The Budget and Planning Office has been designated as the state agency to administer Coastal Energy Impact Program assistance in Texas. The Budget and Planning Office has developed these intrastate allocation procedures to assure that the Texas share of allocated financial assistance is distributed, to the maximum extent feasible, among eligible local governments and state agencies according to need. The Budget and Planning Office is also responsible for selecting, coordinating, and submitting applications for financial assistance to the Federal Office of Coastal Zone Management.

The Budget and Planning Office staff has determined that the fiscal impact of these rules will be limited to the match requirements of participating governmental entities to the extent set forth in the grant provisions.

.001. Scope of Coastal Energy Impact Program.

(a) Senate Bill 577, Acts of the 65th Texas Legislature, Regular Session, generally defines the coastal zone as those coastal areas normally and regularly influenced by seawater. The Coastal Energy Impact Program is designed to deal with impacts in this zone regardless of whether the energy facility is actually located within the coastal zone. An energy facility which is outside the coastal zone but which impacts resources in the coastal zone is within the purview of this program.

(b) Energy facilities within the Coastal Energy Impact Program generally include any equipment or facility used in exploring, developing, producing, converting, storing, transferring, processing, or transporting any energy resource. Such energy facilities include but are not limited to electric generating plants; petroleum refineries and associated facilities; gasification plants; facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; uranium enrichment or nuclear fuel processing facilities; oil and gas facilities, including platforms, assembly plants, construction yards, storage depots, tank farms, crew and supply bases, and refining complexes; facilities, including deepwater ports, for the transfer of petroleum; pipelines and transmission facilities; and terminals which are associated with any of the foregoing.

.002. Types of Assistance. Financial assistance is available through the Coastal Energy Impact Program for three purposes:

(a) Planning—for studying and planning for any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in the coastal zone as a result of the siting, construction, or operation of new or expanded energy facilities.

(b) Public facilities and public services—for assisting state and local governments in providing new or improved public facilities or public services which are required as a result of coastal energy activity.

(c) Environmental or recreational losses—for enabling state and local governments to prevent, reduce, or ameliorate any unavoidable loss in the coastal zone of any valuable environmental or recreational resource, if such loss results from coastal energy activity.

.003. Eligibility for Coastal Energy Impact Program Assistance. Units of government eligible for Coastal Energy Impact Program assistance include cities, counties, special districts, councils of governments, school districts, and state agencies. To be eligible for consideration for financial assistance from the Coastal Energy Impact Program, each applicant must provide documentation that assistance is not available for the proposed project in the amount requested from any other federal, state, or private sources at the time the application is submitted. Additional eligibility requirements for specific types of assistance will vary and are described in Rule .006.

.004. Relationship to the Texas Coastal Management Program. Coastal Energy Impact Program activities are intended to complement and support work accomplished through the Texas Coastal Management Program, which was organized pursuant to Section 305, or will be organized pursuant to Section 306 of the Coastal Zone Management Act of 1972 as amended (Public Law 92-583). The Budget and Planning Office will work closely with the Texas Coastal Management Program staff to ensure that these two functions are coordinated.

.005. Intrastate Allocation Process Requirement.

(a) It is the intent of Congress that the Coastal Energy Impact Program provide assistance where needed to assure that state and local governments with responsibilities in coastal areas have the opportunity to accommodate the energy-related development in a planned and environmentally responsible manner. The State of Texas, through the Budget and Planning Office, will ensure that Coastal Energy Impact Program assistance is allocated in a manner consistent with congressional intent. Applicants for Coastal Energy Impact Program assistance must be able to demonstrate the consistency of their proposed project with the Texas Coastal Management Program plans and activities.

(b) Section 931.112 of the final regulations (*Federal Register*, February 23, 1978) requires that an intrastate allocation process be developed by an eligible state and approved by the associate administrator of the Office of Coastal Zone Management. The purpose for these rules is to comply with the intrastate allocation process development requirement and to describe in detail the criteria and methodologies which will be used for allocating the annual share of Coastal Energy Impact Program assistance available to the State of Texas.

(c) Since funds are limited, these intrastate allocation procedures have been designed so the Texas allotment of Coastal Energy Impact Program assistance can be distributed on the basis of need and utilized in the most effective manner possible.

.006. Allocation Criteria and Procedures. Each year the Office of Coastal Zone Management will notify the State of Texas of the amount of assistance available in each funding category. This section describes procedures, criteria, and methods which will be used by the Budget and Planning Office to allocate this assistance each year among eligible applicants within each funding category.

(a) Planning grants (Section 308(c) of Public Law 94-370).

(1) Purposes and scope. Planning grants are available on 80 percent federal/20 percent nonfederal basis to help prepare for the consequences of new or expanded energy facilities impacting the coastal zone. For example, in order to identify a suitable location for a facility, a community may have to conduct a natural resource inventory or gather important data on local physical conditions; it may have to plan for improved means of transportation to and from the facility; community development planning may be required to locate new homes and businesses to support new residents; and plans may have to be made for the locating and scheduling of required new public facilities.

(2) Allocation process and formula. A priority point system will be utilized each year in determining a target funding level for planning funds on a county-by-county basis. Each project appearing on the planning inventory utilized by the Office of Coastal Zone Management in establishing the State of Texas allocation for that fiscal year will be rated as indicated on Chart A. After all projects on the Office of Coastal Zone Management Planning Inventory have been rated in this format, target funding levels for each county will be established. County target funding amounts will be the sum of a base amount for each eligible county, plus a proportional amount of the remaining allocation based on the ratio of points for all projects in that county to the total points for all projects in the State of Texas.

(A) Eligible applicants for planning grants. Due to limited planning funds, the size of the area to be covered, and the specific needs of high impact areas, eligible applicants shall be county governments, or a county designee, which is a political subdivision of the state and has jurisdiction within that county. In those cases where the county government does not apply for the targeted funds or does not designate an appropriate applicant, the Budget and Planning Office will increase the allocations among those eligible counties which desire to participate. Funds necessary for program administration at the state level may be deducted from the total allotment prior to establishing target amounts.

(B) Capability of applicants for planning grants. In addition to having been properly designated as described in Section (a)(2)(A) of this rule, each planning grant applicant will be evaluated by the Budget and Planning Office on the basis of:

(i) planning capacity and experience;

(ii) data collection capability to the extent data collection is a component of proposed planning activities;
 (iii) understanding of the impacts of the proposed project;

(iv) capability of relating this planning effort with similar planning activities, such as housing and urban development "701" planning and "208" wastewater treatment planning; and

(v) submission of a satisfactory work program for expenditure of requested funds in furtherance of the objectives of the Coastal Energy Impact Program.

Before an application can be considered, the applicant must be able to verify it currently has, or will have at the time of such grant being awarded, these capabilities either within the staff or available through a public or private organization.

CHART A Planning Grants

County _____

Facility _____

Points Assigned

IMMEDIACY OF IMPACTS

TIMING OF FACILITY APPROVAL AND CONSTRUCTION
 Approval _____ Construction _____ Completion _____

Construction underway	25
Completion within next fiscal year	20
Approval within current fiscal year	15
Approval within next fiscal year	10
Project in preliminary planning	5

NEEDS FACTORS

PLANNING NEEDS FACTORS*

$$(PCE + POE) \times \left(N + \left[\frac{S + PD}{2} \right] \right)$$

$$\left(\quad + \quad \right) \times \left(\quad + \left[\frac{\quad + \quad}{2} \right] \right) = \quad$$

Where PCE = Peak Construction Employment
 POE = Peak Operating Employment
 N = Environment Factor
 S = Safety Factor
 PD = Population Density Code

*From Office of Coastal Zone Management Planning Inventory

Under 1,000	score = 1	point for each 100 score
1,000 - 2,999	score = 10	points for each 1,000 score plus 1 point for each 200 score over 1,000
3,000 - 5,999	score = 20	points for each 3,000 score plus 1 point for each 300 score over 3,000
6,000 - 9,999	score = 30	points for each 6,000 score plus 1 point for each 400 score over 6,000
10,000 - 14,999	score = 40	points for each 10,000 score plus 1 point for each 500 score over 10,000
15,000+	score = 50	points

**PROTECTION
OF THE
ENVIRONMENT**

ENVIRONMENTAL CHARACTERISTICS OF FACILITY
N = _____

If N = 3	score =	25
If N = 2	score =	15
If N = 1	score =	5

Values for N are taken from the Office of Coastal Zone Management Planning Inventory.

TOTAL POINTS _____

(b) Public facilities and public services (Section 308(d)(1) and (2) of Public Law 94-370).

(1) Purposes and scope. Credit assistance is available in the form of direct loans or guarantees of loans or bonds for the purpose of providing new or improved public facilities and services required as a result of coastal energy activity, especially when there will be a time lag between the time a facility is needed and the time the new facility and residents are generating local revenues. Eligible applicants for credit assistance will include only units of state or local governments empowered by the Texas Constitution, state law, or local ordinance to accept loans, bond guarantees, and other credit assistance provided through this program. Public facilities and public services which qualify for assistance under this heading are described in federal regulations and include the following:

(i) Education—Day care centers; primary, secondary, and general vocational schools, including portable classrooms and temporary facilities; school equipment; libraries, including books and equipment.

(ii) Environmental protection—Facilities and equipment used to monitor or control air and water quality or noise standards, to insure the continued viability of fish, wildlife, and land resources, to prevent or control erosion; land acquisition for environmental protection.

(iii) Government administration—Facilities and equipment essential for normal government administration.

(iv) Health care—Emergency medical facilities and equipment, including ambulances, clinic and hospital buildings, and equipment; alcohol and drug abuse centers; emergency shelter and sanitary facilities.

(v) Public safety and law enforcement—Detention centers, police equipment and stations, fire stations and fire-fighting equipment, fire training centers, animal control

facilities, communication facilities and equipment, and rescue facilities and equipment.

(vi) Recreation—Facilities and equipment for amateur sports and performing arts, community recreational centers, local parks and playgrounds, acquisition of parkland or beaches or of public access to such land or beaches.

(vii) Transportation—Streets and street lighting, roads, bridges, road maintenance equipment, parking associated with public facilities, docks, air and water navigation aids, canals and navigation facilities, air terminals in remote areas, mass transit, including bus and ferry systems.

(viii) Publicly owned utilities—Electric generating plants and distribution systems; natural gas distribution systems; solid waste collection systems; waste collection and treatment systems, including drainage; and water supply systems.

(2) Allocation process and formula. Each application submitted for assistance in providing public facilities and public services will be evaluated by the rating formula shown on Chart B. In addition to the two following steps, assistance under this category will not be recommended for any single project in an amount which exceeds 25 percent of the total amount of credit assistance available to the state.

(A) Initially, a target amount of not less than five percent of the total amount available to the state will be set aside for projects within each eligible coastal county. In the case of more than one fundable project within a county, projects will be recommended for funding according to the ranking formula on Chart B.

(B) Then, the remaining portion of the state's allotment, together with target amounts not utilized, will be allocated to other fundable projects according to priority ranking within the available funds.

CHART B
Public Facilities and Public Services

Applicant _____

Project _____

Points Assigned

IMMEDIACY OF ENERGY FACILITY IMPACTS

- Operation begins within one year 20
- Operation begins within one to two years 15
- Construction begins within one year 10
- Construction begins within one to two years 5

Date of start of construction/operation _____

NEEDS FACTOR

$\frac{\text{Construction Population}}{\text{Base Population}} = \text{---} \text{ or } \frac{\text{Operation Population}}{\text{Base Population}} = \text{---}$

5 points per 1% population increase = _____

**FISCAL CAPACITY OF APPLICANT
(Based on Local Tax Effort)**

General Purpose Governments: $\frac{\text{Adjusted Taxes}}{\text{Aggregate Personal Income}} = \text{---} \%$

2 points per 1/2% and major fraction of tax effort

School Districts: $\frac{\text{Tax Levy}}{\text{Full Market Value}} \times 100 = \text{---}$

1 point per each 15¢ effective tax rate

Special Purpose Districts - No Points

CONSISTENCY OF PROPOSED PROJECT WITH OTHER PLANS

- Fully consistent with Texas Coastal Management Program 5
- Generally consistent with Texas Coastal Management Program 2
- PLUS
- Fully consistent with Regional Plans 5
- Generally consistent with Regional Plans 2

PROTECTION OF THE ENVIRONMENT

- Minimum impact on the environment 20
- Moderate impact on the environment 10
- Major impact on the environment 0

ADDITIONAL FACTORS

- Feasibility of Project Financial Plan - 0 to 10
- Appropriateness of Project - 0 to 10

TOTAL POINTS _____

(Editor's note: The following "Definitions" represent part of Chart B, Public Facilities and Public Services.)

Definitions

Construction population. New employment and related new population because of construction force (as provided by Office of Coastal Zone Management in annual allotment to State of Texas).

Operation population. New employment and related new population because of operating force (as pro-

vided by Office of Coastal Zone Management in annual allotment to State of Texas).

Base population. Population of the community or political jurisdiction before energy activity or construction of energy facility. (Source will be most recent U.S. Bureau of Census data.)

Aggregate personal income. Total income of individuals residing within jurisdiction of general purpose local government submitting application (as

determined by Office of Revenue Sharing, U.S. Department of Treasury).

Adjusted taxes. Total taxes levied by general purpose local government submitting application, excluding school taxes (as determined by Office of Revenue Sharing, U.S. Department of the Treasury).

Full market value. Full market value of taxable property (as determined by the Governor's Office of Education Resources for the 1975-1976 school year and adopted by the 65th Legislature, in conjunction with agricultural use values, as the index for determining local shares of the Foundation School Program).

(c) Environmental and recreational grants (Section 308(d)(4) of Public Law 94-370).

(1) Purposes and scope. Environmental and recreational grants, which are available on a 100-percent federal basis, are designed to help prevent, reduce, or repair damage to or loss of valuable environmental or

recreational resources due to coastal energy activity. The primary purpose of environmental grants is to assure that coastal communities and state agencies have the opportunity to accommodate energy-related development in a planned and environmentally responsible manner. Environmental grants may be used to address impacts resulting from previous coastal energy activity which cannot be attributed to any one party or which could not have been reduced or ameliorated by assessment of the loss against an identifiable party through the enforcement of existing regulatory authority by the state or a subdivision of the state at the time of the loss. Eligible applicants for environmental and recreational grants will be any state agency or local government qualified to participate in the Coastal Energy Impact Program.

(2) Allocation process and formula. Applications will be ranked in priority order according to the rating formula shown on Chart C. After each application is evaluated and the score determined, assistance will be recommended according to priority ranking within the available funds.

CHART C
Environmental and Recreational Grants

Applicant _____

Project _____

Points Assigned

IMMEDIACY OF IMPACTS

TIMING OF ENVIRONMENTAL OR RECREATIONAL LOSS Based on start of construction of energy facility

- Loss imminent: Facility underway 30
Loss imminent: Facility approved 25
Loss occurred: Project designed to reduce or ameliorate effects 15
Potential loss if facility approved 5

SEVERITY OF IMPACTS

CHARACTERISTICS OF THE RESOURCE Based on Texas Coastal Management Program information

- Designated wetlands 20
Other areas of particular concern 20
Important animal and plant areas 15
Areas in their natural state 10
. Plus
Large area or usage 10
Medium area or usage 6
Small area or usage 2

PROTECTION OF THE ENVIRONMENT

VALUE OF THE RESOURCE COMMENSURATE WITH COST
Based on environmental impact assessment

Value is high compared to cost
Value exceeds cost of the project
Value and cost in general balance

30
20
10

TOTAL POINTS

(d) Formula grants (Section 308(b) of Public Law 94-370).

(1) Purposes and scope. Formula grants are available for planning, mitigating impacts, and developing public facilities and services as a direct result of outer continental shelf-related energy facility development. These funds are primarily a source of assistance for retiring state or local bonds, if any, guaranteed under Rule .006(b) above. Formula grant funds are also a supplemental source of assistance for carrying out projects and programs which are necessary to provide new or improved public facilities and public services which are required as a direct result of new or expanded outer continental shelf energy activity and for which adequate financing is not available under other provisions of the Coastal Energy Impact Program.

(2) Allocation process. Formula grant funds will be utilized, as necessary, for repayment assistance in accordance with Subpart F (*Federal Register*, February 23, 1978). In addition, formula grant funds may be used as a supplemental source of funding for planning grants, public facilities and public services assistance, or environmental and recreational grants as described in Rule .006(a), (b), and (c). Allocations for these purposes will be made in accordance with procedures prescribed for each of those purposes.

.007. *Applications.* Applications will be submitted on the forms devised by the Office of Coastal Zone Management for each funding category. Application packets may be obtained from the Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701. All supplemental reports or documentation required by these rules and by federal regulations must accompany the application. Technical assistance is available from the Budget and Planning Office to address any questions the applicant might encounter. In preparing the application forms or preparing associated documents.

(a) Receipt deadline. To be eligible for consideration, applications must be received by the Budget and Planning Office on or before the receipt deadline as published in the *Texas Register*. A Notice of Financial Assistance Availability will be published as soon as practicable after the state receives its certificate of allotment. This notice will specify amounts available and solicit applications. A receipt deadline for each assistance category will be established.

(b) Joint applications. Adjacent counties or neighboring municipalities or any other eligible political subdivisions of the state may join together and submit a joint

application for any type of assistance under the Coastal Energy Impact Program.

(c) Authorization to enter into contracts and to expend funds. Upon approval of an application by the Office of Coastal Zone Management, applicants are explicitly authorized to enter into contracts and to expend funds in accordance with the purposes and provisions of this program, to the extent empowered by federal, state, or local laws and regulations.

.008. *Review Requirements.* All applications will be reviewed by the appropriate areawide clearinghouse. For state agency applications, the state clearinghouse will conduct a review as prescribed by Office of Management and Budget Circular A-95. Applications will not be accepted without evidence that the applicant has complied with these review procedures.

.009. *Notice of Allocation Recommendations.* After the Budget and Planning Office has screened all applications for accuracy and completeness and has ranked applications in accordance with procedures described herein, a recommended list of applications by funding type will be established. The Texas Coastal Management Program agency will verify compatibility and consistency with its coastal management plans and activities. As soon as this verification action is completed, notice of allocation recommendations will be published by funding type in the *Texas Register*.

.010. *Appeals Process.*

(a) Method of appeal. Units of local government may appeal the recommendations of the Budget and Planning Office on the basis of:

- (1) the results of the allocation decisions, or
- (2) whether the Budget and Planning Office complied with the intrastate allocation process described herein.

Appeals must be submitted in writing to the following address and received not later than 30 days after publication of the Notice of Allocation Recommendations in the *Texas Register*: Office of the Governor, Budget and Planning Office, 411 West 13th Street, Austin, Texas 78701. The Budget and Planning Office will screen all appeals, discuss with each appellant the basis for its actions, and, whenever possible, reconcile differences. Appeals which cannot be resolved through direct discussions with the appellant will be referred to an appeals board.

(b) Composition of appeals board. An appeals board will be constituted by the governor or his designee to hear all unresolved appeals and will be composed of one mem-

ber from the staff of the Budget and Planning Office and two members from the Citizens Advisory Committee to the Natural Resources Council. At least one of the citizen members must be from a coastal county.

(c) Appeals consideration process. The board will convene at a mutually convenient time, but not later than 15 days after the deadline for receipt of written appeals. All applications being appealed, together with supporting documentation and rating scores, will be made available to the appeals board. The board may also, at its own discretion, request additional evidence or exhibits relevant to the appeal. A formal record of the appeals board hearing will be produced. The appeals board will render a written decision on each appeal and that decision will be referred to the Budget and Planning Office. In accordance with provisions of federal regulations (*Federal Register*, February 23, 1978, Section 931.114), a unit of local government may appeal directly to the associate administrator for Coastal Zone Management to determine whether the Budget and Planning Office complied with this intrastate allocation process. However, an appeal to the associate administrator must be made within 30 days after the unit of local government has exhausted the appeals procedure before the appeals board.

.011. *Submission of Applications to the Office of Coastal Zone Management.* After the intrastate allocation process as described herein has been completed and all appeals resolved, the recommended allocation list by funding category, along with approved applications, will be submitted to the Office of Coastal Zone Management for provision of federal financial assistance.

Issued in Austin, Texas, on May 8, 1978.

Doc. No. 783165 Roy Hogan, Assistant Director
Budget and Planning Office
Office of the Governor

Effective Date: May 30, 1978

For further information, please call (512) 475-6283.

No comments were received on the proposed rule; therefore, the material is adopted without changes to the proposed text.

This rule is adopted under the authority of Articles 695c and 695j-1, Texas Civil Statutes, with the approval of the Texas Board of Human Resources.

.009. *Exception to Periodicity.* The following steps for justifying and facilitating an exception to the 12-month periodicity were developed in cooperation with the Texas Department of Health: If, during medical screening, a recipient is found to have an obvious need for dental care, the screening nurse indicates this on the Report of Medical History and Screening form. The recipient is referred to a DHR worker who takes the following action: to ensure that periodicity will be waived (when a recipient has received dental services within the last 12 months), a separate Request for Dental Services form for the referred recipient is prepared by the worker. A special notice is printed or typed on the left edge of the bottom third of the form, "Dental problems discovered during medical screening." Each card submitted to the Texas Department of Health with this notice receives special handling and, if the recipient is still eligible, may receive special approval. A special notice is printed at the bottom of each card: "Approved. Due to prior service, please attach this card to invoice when submitting for payment." The provider must keep the card or a copy and attach it to the Dentist's Statement form.

Issued in Austin, Texas, on May 9, 1978.

Doc. No. 783146 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: May 30, 1978

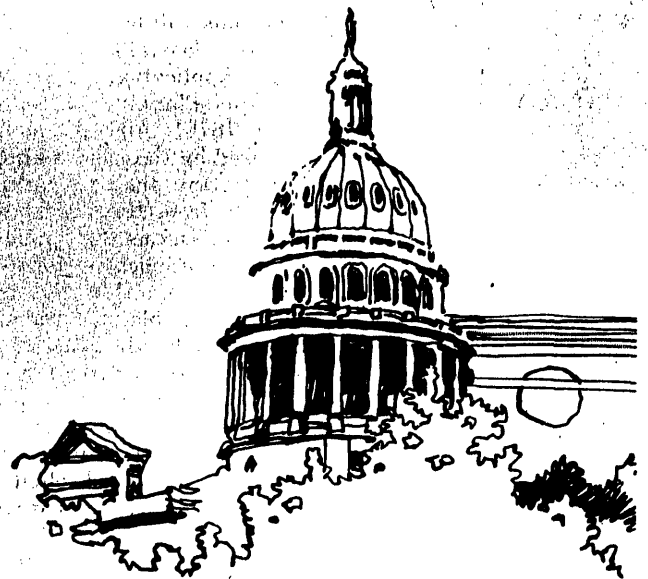
For further information, please call (512) 475-4601.

Texas Department of Human Resources

Early and Periodic Screening, Diagnosis, and Treatment

Dental Program Benefits 326.39.44

The Department of Human Resources adopts Rule 326.39.44.009, about dental program benefits in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program as proposed in the January 27, 1978, issue of the *Texas Register* (3 TexReg 302). This rule, Exception to Periodicity, facilitates an exception to the department's policy which allows eligible recipients to receive dental services annually unless a need for emergency services arises before the 12th month. Recipients with obvious dental needs identified at medical screening will be better served through this exception.



Texas Optometry Board Guidelines 392.02.00

Amendment to Rule 392.02.00.001, Sections (a)(8) and (b)(7), have been adopted by the Texas Optometry Board under the authority of Article 4552, Texas Civil Statutes. No comments were received on the proposed amendment to Rule 392.02.00.001.

The text of the amendment is as follows:

.001. Examination Guidelines.

(a) Application for examination.

(8) The fee for taking the initial examination shall be \$35. Any applicant who is refused a license because of failure to pass the first examination shall be permitted to take a second examination on the payment of \$12.50, provided the second examination is taken within a period of one year. Any applicant taking the board examination for the second time who has failed to pass one or more of the written tests and does not have an over-all average of 75 will be required to retake all written tests which were failed. An applicant failing the practical examination on the initial board examination will be required to retake the practical examination.

Any applicant taking the board examination for the third time will be required to take all written tests that were not passed in the two previous examinations and the practical examination, if not passed previously.

Any applicant taking the board examination for the fourth or subsequent time must take the practical examination and all written tests with previous grades of less than 75 and must score at least 70 on each to qualify for licensure.

An applicant will be considered to be taking the board examination for the first time regardless of the number of previous examinations taken, if the examination is not taken within one year (two consecutive examinations as given by the board) following the last failure.

Any applicant required to take the examination any subsequent times after the second examination shall pay a \$35 fee to the board. No application fee for examination will be returned to any applicant after his application has been approved by the board, because of the decision of the applicant not to stand for the examination or his failure for any reason to take the examination.

(b) Rules for examination.

(7) When examination papers are delivered to the presiding examiner, they become the property of the board and shall not be returned to the applicant. Each board member shall be responsible for his own examination papers until after final grading and awarding of general averages. All test papers must, at this point, be retained in the board office to be preserved for a period of 30 days after final grading in order to allow an unsuccessful candidate the statutory time in which to protest.

Issued in Austin, Texas, on May 5, 1978.

Doc. No. 783124

Lois Ewald
Executive Secretary
Texas Optometry Board

Effective Date: May 29, 1978

For further information, please call (512) 458-2141.

This section includes summarized opinions in cases on appeal from administrative decisions of local, state, and federal governments and agencies. The section contains opinions of the U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, the Texas Supreme Court, and Texas Courts of Civil Appeals. Selected opinions of particular importance dealing with other than administrative appeals may also be included here from time to time. State court opinions are cited in the *Texas Lawyers' Weekly Digest*. Opinions from federal courts are cited in *The United States Law Week*.

U.S. Supreme Court Memphis Light, Gas, and Water Division v. Craft

A Tennessee public utility's termination of utility service—"a necessity of modern life"—without telling its customer of any available methods to challenge the validity of the bill and without affording any effective method to resolve the dispute deprived, the U.S. Supreme Court rules, 6-3, the customer of property without due process of law.

Under Tennessee law, public utilities can terminate service only "for cause." If a customer has a *bona fide* dispute concerning the correctness of the bill, the utility discontinues service at its own peril; if the utility is wrong, it is liable for damages. In view of these facts, Mr. Justice Powell, writing for the court, concludes that a termination of utility service deprives the customer of "property" within the meaning of the Due Process Clause.

The utility, prior to termination, informed the customer that termination was a possibility; it failed, however, to inform the customer of the availability of an opportunity to present any objection to the bill. Notice that fails to advise the customer of the availability of a protest procedure does not, the court says, comport with constitutional requirements. The court also finds that the Due Process Clause requires the utility to provide an opportunity for the presentation to a designated employee of a customer's complaint of erroneous billing. Discontinuance of utility service for even short periods, Mr. Justice Powell explains, may threaten health and safety. "And the risk of an erroneous deprivation, given the necessary reliance on computers, is not insubstantial." Thus, due process requires that the opportunity for a meeting with a responsible employee empowered to resolve the dispute be afforded well in advance of the scheduled termination.

Mr. Justice Stevens, joined by the chief justice and Mr. Justice Rehnquist, dissents. They agree that a municipality may not terminate utility service without affording a fair opportunity to avoid termination by either paying the bill or questioning its accuracy; they do not believe, however, that the record discloses any constitutional defect in the procedures employed by the utility in this case. (46 USLW 1167)

Filed: May 1, 1978
Doc. No. 3C35

National Society of Professional Engineers v. U.S.

The rule of reason focuses on a challenged restraint's competitive impact, not on the reasonableness of competition itself, the U.S. Supreme Court explains as it rejects the argument that public safety and health risks inherent in competition justify a professional engineering society's ethical ban on competitive bidding by its members.

The court finds an agreement among competitors to refuse to discuss prices with potential customers until after negotiations have resulted in the initial selection of an engineer. Although this is not price fixing as such, "no elaborate industry analysis is required to demonstrate the anti-competitive character of such an agreement." Since the ban impedes the give and take of the marketplace and deprives the customer of the ability to compare prices in selecting engineering services, it restrains trade within the meaning of Section 1 of the Sherman Act.

It is the ban's restraint of trade that must be justified under the rule of reason, the court says, but the society's "attempt to do so on the basis of the potential threat that competition poses to the public safety and the ethics of its profession is nothing less than a frontal assault on the basic policy of the Sherman Act." That act reflects a legislative judgment that competition will not only produce lower prices, but better goods and services, and even assuming exceptions to the presumed consequences of competition, "the statutory policy precludes inquiry into the question whether competition is good or bad."

The court also rejects the claim that the lower court's judgment prohibiting the society from adopting any official opinion stating or implying that competitive price bidding is unethical abridged its First Amendment rights.

The chief justice concurs in the judgment to the extent that it sustains the finding of a Sherman Act violation, but dissents on the First Amendment issue. The society's First Amendment right to express its view that competitive bidding is unethical "cannot be impaired under the cloak of remedial judicial action," he says.

In a concurring opinion joined by Mr. Justice Rehnquist, Mr. Justice Blackmun says that he would not reach as far as the court appears to do in intimating that any professional ethical rule with an anti-competitive effect is forbidden under the Sherman Act. (46 USLW 1165)

Filed: April 25, 1978
Doc. No. 3C36

1752 OPEN MEETINGS

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

AGRICULTURE



Texas Department of Agriculture

Monday, May 22, 1978, 2 p.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet in Room 202, 4900 Fannin, Houston, to conduct proceedings for revocation of Citrus and Vegetable License No. 057, issued to Houston Produce Distributors, Inc., due to their inability to meet financial obligations and continue operation.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed: May 9, 1978, 4:28 p.m.
Doc. No. 783180

Thursday, June 1, 1978, 10:30 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet at 4619 Insurance Lane, Dallas, to discuss allegations against Salads Unlimited, Dallas, in account with Boozer and Beasley Produce, Inc., Hereford.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78711, telephone (512) 475-4304.

Filed: May 8, 1978, 1:13 p.m.
Doc. No. 783121

Monday, July 31, 1978, 10:30 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet in Room 202, 4900 Fannin Street, Houston, to discuss allegation against Selvidge and Gonzales, Cleveland, in account with Sun-Belt Citrus, Inc., Edinburg.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78701, telephone (512) 475-4304.

Filed: May 2, 1978, 10:42 a.m.
Doc. No. 782969

Monday, August 7, 1978, 10:30 a.m. The Agricultural Protective Act Division of the Texas Department of Agriculture will meet at 2800 Northeast Loop 410, San Antonio, to discuss allegations against Quality Produce Company, San Antonio, in account with Max B. Roeder, Roeder Citrus Company, Weslaco.

Additional information may be obtained from Ed Whitesides, P.O. Box 12847, Austin, Texas 78701, telephone (512) 475-4304.

Filed: May 2, 1978, 10:41 a.m.
Doc. No. 782970

Texas Alcoholic Beverage Commission

Monday, May 22, 1978, 10 a.m. The Texas Alcoholic Beverage Commission will meet in Room 210, Jefferson Building, 1600 West 38th Street, Austin, to hear the administrator's report of each division and to approve affidavit of destruction of tested alcoholic beverages, as summarized in the agenda.

Additional information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, telephone (512) 475-3611.

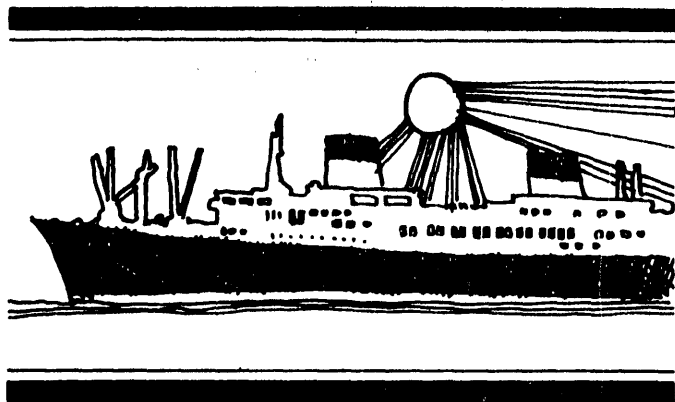
Filed: May 9, 1978, 1:46 p.m.
Doc. No. 783157

Texas Civil Air Patrol Commission

Wednesday, June 7, 1978, 1:30 p.m. The Texas Civil Air Patrol Commission will meet at 5805 North Lamar Boulevard, Austin, to elect officers, consider the budget, and review the previous year's programs.

Additional information may be obtained from Frank T. Cox, P.O. Box 4087, Austin, Texas 78773, telephone (512) 452-0331, extension 295.

Filed: May 1, 1978, 4:01 p.m.
Doc. No. 782959



Texas Deepwater Port Authority

Wednesday, May 17, 1978, 2 p.m. The Board of Commissioners of the Texas Deepwater Port Authority will meet in the board room, fourth floor, Allied Bank of Texas, One Shell Plaza, 910 Louisiana, Houston, to consider the following items: services of legal counsel; bond counsel and other services; and amendments to application.

Additional information may be obtained from Nancy Fasolino, Suite 801, 807 Brazos, Austin, Texas 78701, telephone (512) 475-6041.

Filed: May 9, 1978, 3:27 p.m.
Doc. No. 783164

Texas Education Agency

Friday, May 12, 1978, 2 p.m. The Investment Committee of the Permanent School Fund met in emergency session in the conference room, second floor, 158 East Riverside Drive, Austin. The committee considered the following items: recommended sale of corporate fixed income securities; review of purchases and sales for April; review of stock portfolio; estimated funds for investment; investment program for May; review of items included in request for proposal for investment counsel; and report on request for proposal on survey of Investment Office.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: May 9, 1978, 2:47 p.m.
Doc. No. 783158

Saturday, May 13, 1978, 8:30 a.m. The State Board of Education made an emergency addition to the agenda of a meeting held in the board room, 150 East Riverside Drive, Austin, regarding a contract for the High School Summer Program for Migrant Students.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: May 9, 1978, 9:52 a.m.
Doc. No. 783141

Saturday, May 13, 1978, 8:30 a.m. The State Board of Education made an emergency addition to the agenda of a meeting held in the board room, 150 East Riverside Drive, Austin, regarding the appointment of a trustee, Randolph Field Independent School District.

Additional information may be obtained from M. L. Brockette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: May 10, 1978, Noon
Doc. No. 783186

Commission on Fire Protection Personnel Standards and Education

Tuesday, May 30, 1978, 10 a.m. The Recruitment and Selection Committee of the Commission on Fire Protection Personnel Standards and Education will meet in Suite 131, conference room, 8330 Burnet Road, Austin. The commission will meet for further study on proposed standards for entry in the fire service, with Berl Handcox, EEO Director, and Harry Green of the attorney general's office, who will provide consultation and advice on the setting of such standards.

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

Filed: May 5, 1978, 11:43 a.m.
Doc. No. 783106

Texas Department of Health

Public Hearings in May and June, 1978. The Texas Department of Health will conduct several hearings regarding proposed amendments to its rules on Long Term Care Facilities. The amendments primarily cover: basic curricula for employee orientation and training in nursing homes and custodial care homes; procedures for inspection of department records on long term care facilities; and requirements for annual medical examinations of nursing home and custodial care home patients.

The hearings are scheduled as follows:

Tuesday, May 30, 1978

1 p.m.—Arlington Community Center Auditorium, 2800 South Center, Arlington

Friday, June 2, 1978

9:30 a.m.—Corpus Christi-Nueces County Department of Health and Welfare, 1702 Horne Road, Corpus Christi

Tuesday, June 6, 1978

9:30 a.m.—Westend Health Center auditorium, 190 Heights Boulevard, Houston

Friday, June 9, 1978

9:30 a.m.—Texas Department of Health auditorium, 1100 West 49th Street, Austin

Friday, June 9, 1978

2:30 p.m.—West Texas State University, Room 216, Activities Center, Canyon

Additional information may be obtained from Howard Allen, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7706.

Filed: May 10, 1978, 3:35 p.m.

Doc. No. 783189

Saturday, June 3, 1978, 1:30 p.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet at the Dow Reservoir Lodge, Lake Jackson, to consider the following items, as summarized: director's report; review of program activities; report from Medical Committee and Radioactive Waste Disposal Committee; and consultant reports from Southern Interstate Energy Board, electronic products and radiopharmaceuticals.

Additional information may be obtained from Martin Wukasch, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7341.

Filed: May 3, 1978, 9:38 a.m.

Doc. No. 783027

Saturday, June 24, 1978, 9:30 a.m. The Laboratory Advisory Committee of the Texas Department of Health has rescheduled a meeting to be held in the Laboratory Office, 1100 West 49th Street, Austin. As summarized, the meeting will include the following: discussion on workload measures; update on bureau activities; discussion on long-range plans; and legislation update. This meeting was originally scheduled for May 6.

Additional information may be obtained from Charles E. Sweet, Ph.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7318.

Filed: May 9, 1978, 9:52 a.m.

Doc. No. 783143



Texas Health Facilities Commission

Thursday, May 18, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

- Providence Hospital, Waco—certificate of need
- Terrell Care Center, Terrell—certificate of need
- University of Texas Medical Branch, Galveston—certificate of need
- Texas Institute of Rehabilitation and Research, Houston—certificate of need
- Hillview Nursing Home, Inc., Mineola—certificate of need
- East Town Osteopathic Hospital, Dallas—certificate of need
- Retama Manor Nursing Home, Kingsville—exemption certificate
- Dumas Memorial Home, Dumas—exemption certificate
- St. Luke's Episcopal Hospital, Houston—exemption certificate
- St. Joseph Hospital, Houston—exemption certificate
- Waller County Hospital, Hempstead—declaratory ruling

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

Filed: May 10, 1978, 11:39 a.m.

Doc. No. 783182

Thursday, May 18, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. The commission will consider the following applications:

St. Mary of the Plains Hospital, Lubbock—exemption certificate

Southeast Texas Hospice, Inc, Orange—certificate of need

Care Inn of San Angelo, San Angelo—administrative order

Valley View Home, Inc., Granbury—administrative order

Hamlin Memorial Hospital, Hamlin—administrative order

Thomas Nursing Center, Inc., McLean—motion to

amend certificate of need order

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

Filed: May 10, 1978, 11:39 a.m.

Doc. No. 783183



University of Houston

Monday, May 22, 1978, 9:30 a.m. The Building Committee of the Board of Regents of the University of Houston will meet in the board room, 220 E. Cullen Building, 4800 Calhoun, Houston. As summarized, the committee will discuss construction contracts and awards, building construction progress reports, and cash flow analyses in reference to building program.

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

Filed: may 11, 1978, 10:07 a.m.

Doc. No. 783197

Monday, May 22, 1978, 2 p.m. The Board of Regents of the University of Houston will meet in the board room, 212 E. Cullen Building, 4800 Calhoun, Houston. As summarized, the committee will consider the following items: personnel recommendations, including faculty development leaves, and emeritus awards; re-election of faculty and promotions for 1978-79; adoption of bank resolutions; academic recommendations requiring regents' and Coordinating Board action; Building Committee actions; Investment Committee actions; reports of gift income; reports of grants, all campuses; and any other special items requiring action under "other business."

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

Filed: May 11, 1978, 10:06 a.m.

Doc. No. 783196

State Board of Insurance

Tuesday, May 16, 1978, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application of Gibraltar Life Insurance Company, Dallas, for extension of time within which to hold real estate, pursuant to Texas Insurance Code Annotated, Article 3.40.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: May 8, 1978, 3:09 p.m.

Doc. No. 783127

Tuesday, May 16, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the real estate appraisers filing by National Union Fire Insurance Company and the fiduciary responsibility filing by Aetna Casualty and Surety Company.

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

Filed: May 8, 1978, 3:09 p.m.

Doc. No. 783126

Wednesday and Thursday, May 17-18, 1978, 9 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to conduct a hearing to consider the adoption of a revised homeowners policy.

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

Filed: May 8, 1978, 3:09 p.m.

Doc. No. 783130

Wednesday, May 17, 1978, 9:30 a.m. The Commissioner's Hearing Section of the State Board of Insurance has rescheduled a hearing to be held in Room 343, 1110 San Jacinto, Austin, regarding Paul Edward Jones, Hurst. The board will consider disciplinary action for the failure to remit premiums and the failure to respond to State Board of Insurance inquiries (pursuant to Article 21.07, Section 10(a), (5), (6), and (9); Article 21.07-1, Section 12(a), (4), (5), (6), and (10); Article 21.12; Article 21.13; and Article 21.15, of the Texas Insurance Code). This hearing was originally scheduled for April 17.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: May 8, 1978, 3:09 p.m.
Doc. No. 783128

Wednesday, May 17, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider the application of Great Southwest Life Insurance Company, Houston, for extension of time to hold real estate, pursuant to Texas Insurance Code Annotated, Article 3.40.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: May 8, 1978, 3:09 p.m.
Doc. No. 783129

Friday, May 19, 1978, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to review the proposed budget for 1980-81.

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

Filed: May 10, 1978, 9:18 a.m.
Doc. No. 783166

Friday, May 19, 1978, 3 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to conduct a hearing regarding American Bankers Life Assurance Company, Miami, Florida. The board will decide whether and under what circumstances agents who are licensed under 21.07 of the Texas Insurance Code may write insurance for Legal Reserve Life Insurance companies.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4353.

Filed: May 8, 1978, 3:09 p.m.
Doc. No. 783131

Tuesday, May 30, 1978, 3:30 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to hear the fire marshal's report.

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

Filed: May 8, 1978, 9:39 a.m.
Doc. No. 783119



Texas State Board of Landscape Architects

Monday, May 15, 1978, 3 p.m. The Texas State Board of Landscape Architects met in emergency session in Suite H-106, 5555 North Lamar, Austin, to consider the following items, as summarized: regular board business; financial report/budget; staff duties; review rules and regulations; May L.I. exam and June L.A. exam; status of S.A.C.; review of reciprocity applications; and other business.

Additional information may be obtained from J. Susanne Silber, Suite H-106, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-4126.

Filed: May 8, 1978, 3:09 p.m.
Doc. No. 783125

Texas Legislature

Thursday, May 18, 1978, 10 a.m. The Legislative Commission on Public School Finance will meet in Committee Room 100E, John H. Reagan Building, Austin. As summarized, the commission will receive testimony from twelve persons of the Professional Education Association on the following: method of financing public schools; basic education; and the relationship of state and federal funding.

Additional information may be obtained from L. T. Cave, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-1547.

Filed: May 9, 1978, 9:52 a.m.
Doc. No. 783139

Texas State Board of Library Examiners

Friday, May 19, 1978, 10 a.m. The Texas State Board of Library Examiners will meet in Room 202, Lorenzo De Zavala State Archives Building, Austin, to consider revisions in the requirements for county librarian certificates.

Additional information may be obtained from Jimmy Hausenfluke, 1201 Brazos, P.O. Box 12927, Austin Texas 78711, telephone (512) 475-6652.

Filed: May 10, 1978, 4:45 p.m.
Doc. No. 783191

Texas Library and Historical Commission

Friday, May 12, 1978, 1:30 p.m. The Texas Library and Historical Commission met in emergency session in Room 205A, Lorenzo De Zavala State Archives Building, Austin. The agenda included: confirmation of delegates to the Texas Conference on Library and Information Services; and examination and reply to the U.S. Equal Opportunity Commission on conciliation agreement.

Additional information may be obtained from Jimmy Hausenfluke, 1201 Brazos, P.O. Box 12927, Austin, Texas 78711, telephone (512) 475-6652.

Filed: May 10, 1978, 4:48 p.m.
Doc. No. 783192

Midwestern State University

Thursday, May 11, 1978, 1:30 p.m. The Board of Regents' Executive Committee of Midwestern State University met in emergency session in Room 108, Hardin Administration Building, campus, Wichita Falls, to conduct a budget review.

Additional information may be obtained from John G. Barker, Midwestern State University, Wichita Falls, Texas 76308, telephone (817) 692-6611, extension 211.

Filed: May 8, 1978, 1:13 p.m.
Doc. No. 783122



State Board of Morticians

Thursday, May 11, 1978, 9 a.m. The State Board of Morticians made emergency additions to the agenda of a meeting held at 1513 South Interstate 35, Austin, to include the following items, as summarized: request of Reagan Cooksey for permission to resume his embalmers apprenticeship; and request of Stanley Blackwell for permission to appear before the board at 11 a.m. regarding a complaint.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: May 10, 1978, 1:57 p.m.
Doc. No. 783187

Texas National Guard Armory Board

Saturday, May 20, 1978, 1:30 p.m. The Texas National Guard Armory Board will meet in Building 64, Camp Mabry, Austin. The agenda will include consideration of the following items, as summarized: confirmation of action of director, regarding Shamrock (award to low bidder for rehabilitation), Brownwood (easement for utilities and new location for Loran Transmitter Site), Midland (easement for utilities),

and San Antonio, Martindale (fuel oil system); rescission of resolutions of December 12, 1957, and June 17, 1967, for Harry B. Kelton and Preston J. C. Murphy as manager of lands; T. W. Meek, director, manager of lands; Abilene, rescission of resolution of October 11, 1977, for land for Bridge Club; Abilene (reconvey land to city); Coleman (reconvey land to city); Nacogdoches (reconvey land to city); San Marcos (access road to armory property); Baytown (paving and parking and access); rehabilitation and construction program for Armory Board properties (eight year program), bond issue to finance; and appreciation letter to Jim Mangum and Joe Roberts.

Additional information may be obtained from T. W. Meek, West Austin Station, Austin, Texas 78763, telephone (512) 475-5481.

Filed: May 9, 1978, 11:49 a.m.
Doc. No. 783153

North Texas State University

Friday, May 19, 1978, 10 a.m. The Budget and Finance Committee of the Board of Regents of North Texas State University will meet in the board room, Administration Building, campus, Denton, to consider the 1978-79 University appropriations and other business, as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

Filed: May 10, 1978, 9:53 a.m.
Doc. No. 783167

Friday, May 19, 1978, 10 a.m. The Budget and Finance Committee of the Board of Regents of North Texas State University Health Sciences Center/Texas College of Osteopathic Medicine will meet in the board room, Administration Building, campus, Denton, to consider the 1978-79 University appropriations and other business, as summarized in the agenda.

Additional information may be obtained from Roy K. Busby, North Texas State University, Denton, Texas 76203, telephone (817) 788-2275.

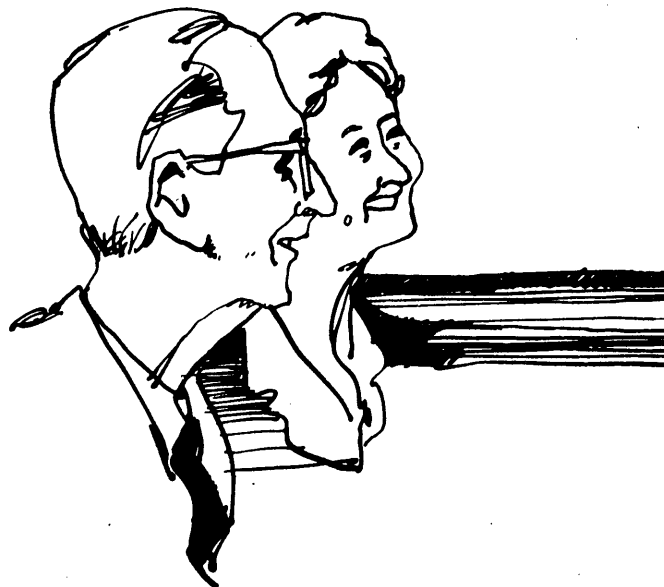
Filed: May 10, 1978, 9:53 a.m.
Doc. No. 783168

Texas Board of Licensure for Nursing Home Administrators

Thursday, May 11, 1978, 1 p.m. The Texas Board of Licensure for Nursing Home Administrators met in emergency session at 7333 Highway 290 East, Austin, to respond to a letter received on April 25, 1978, from the Sunset Advisory Commission which requires response from the entire board.

Additional information may be obtained from E. M. Lawrence, Jr., 7333 Highway 290 East, Austin, Texas 78723, telephone (512) 926-9530.

Filed: May 10, 1978, 10:05 a.m.
Doc. No. 783169



Texas Optometry Board

Wednesday, May 17, 1978, 8 p.m., and Thursday, May 18, 9 a.m. The Ad Hoc Committee of the Texas Optometry Board will meet at the Airport Marina Hotel, Dallas/Fort Worth Airport, to discuss possible changes in the Optometry Act, as summarized in the agenda. A report of the committee meeting will be given at the next scheduled board meeting on June 16, 1978, in Houston.

Additional information may be obtained from Lois Ewald, Suite H-101, Commerce Park, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2141 or Tex-An 824-1595.

Filed: May 9, 1978, 9:52 a.m.
Doc. No. 783140

Texas Organized Crime Prevention Council

Wednesday, May 24, 1978, 10 a.m. The Texas Organized Crime Prevention Council will meet in the commissioner's board room, 5805 North Lamar Boulevard, Austin. As summarized, the council will discuss and approve the 1977 annual report to the governor.

Additional information may be obtained from Ralph L. Bowman or Nadia Bice, Suite 200-E, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 475-6536.

Filed: May 10, 1978, 2:02 p.m.
Doc. No. 783188

Board of Pardons and Paroles

Monday through Friday, May 22-26, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: May 9, 1978, 9:52 a.m.
Doc. No. 783142

Texas Parks and Wildlife Department

Tuesday, May 23, 1978, 2 p.m. and 3 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to conduct hearings as follows, as summarized: hearing at 2 p.m., regarding the application of Tex-lantic, Inc., for a permit to remove approximately 60,000 cubic yards (total) of marl from Clear Lake, Galveston County; and hearing at 3 p.m., regarding the application of the UT Board of Regents for a permit to remove approximately 5,000 cubic yards (total) of sand from the Inner Basin of the Corpus Christi Ship Channel, Nueces County.

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

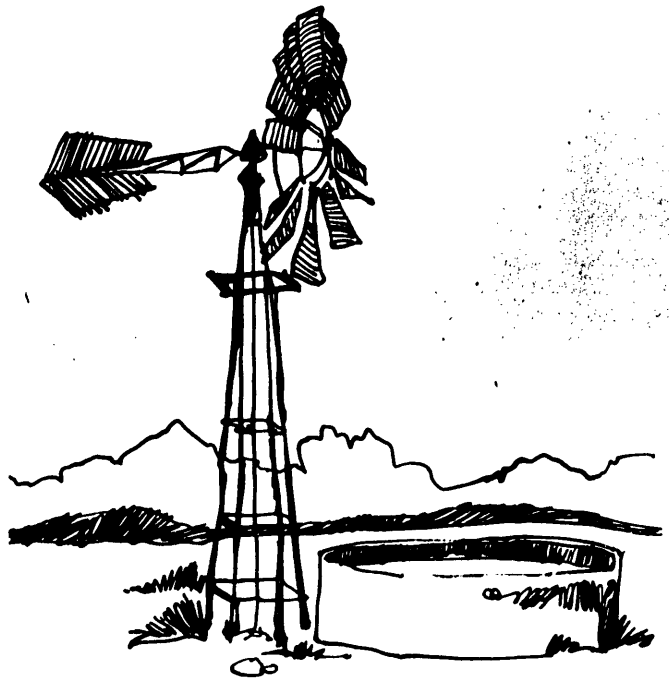
Filed: May 9, 1978, 4:29 p.m.
Doc. No. 783163

Tuesday, June 20, 1978, 2 p.m. The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin, to conduct a rehearing on an application of Fort Bend County. The applicant requests an amendment

to its present permit, No. 76-075, to remove approximately 1,000 cubic yards of gravel per month by means of dragline from the Brazos River in Fort Bend County. Location of the operation will be approximately 2.5 miles west from Simon-ton, adjacent to the properties of Larry Vern, Richard F. Kral, and Jim Fann. The gravel is to be used for construction of roads.

Additional information may be obtained from Chester D. Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: May 9, 1978, 4:29 p.m.
Doc. No. 783162



Texas State Board of Pharmacy

Tuesday, May 30, 1978, 8 a.m. The Texas State Board of Pharmacy will meet in the Sheraton Crest Inn, 111 East 1st Street, Austin. As summarized, the agenda will include: admission of candidates; introduction of candidates; jurisprudence exam; final instructions and dismissal of candidates; individual interviews, question and answer session; and approval or disapproval of candidates.

Additional information may be obtained from Jim Riley, Suite 1121, Southwest Tower, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: May 11, 1978, 10 a.m.
Doc. No. 783194

Thursday, June 1, 1978, 10 a.m. The Texas State Board of Pharmacy will meet in the Sheraton Crest Inn, 111 East 1st Street, Austin. As summarized, the agenda will include: business meeting; executive session on personnel matters; open session, including committee reports, executive director's report, rehearing requests, and old and new business.

Additional information may be obtained from Jim Riley, Suite 1121, Southwest Tower, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: May 11, 1978, 9:50 a.m.
Doc. No. 783193

Governor's Commission on Physical Fitness

Saturday, May 27, 1978, 9 a.m. The Governor's Commission on Physical Fitness will meet in the Outrigger Room, Holiday Inn-Corpus Christi, 1102 South Shoreline Drive, Corpus Christi. The summarized agenda will include: director's report; election of officers; committee assignments; budget matters, such as revision of current fiscal year and guidelines for next biennium; selection of honor award recipients; and recommendations on grant projects.

Additional information may be obtained from Albert A. Rooker, Suite 110, 4200 North Lamar, Austin, Texas 78756, telephone (512) 475-6721.

Filed: May 5, 1978, 2:13 p.m.
Doc. No. 783110



Texas Board of Private Investigators and Private Security Agencies

Thursday, May 18, 1978, 1:30 p.m. The Texas Board of Private Investigators and Private Security Agencies will meet in the first floor conference room, 7600 Chevy Chase Drive, Austin. As summarized, the agenda will include: discussion and possible action on crimes involving moral turpitude; two requests for waiver of board rules regarding denial cases; discussion and possible action on licensing policy; discussion and possible action on enforcement policies and procedures; discussion and possible action on commissioned security officer training program; discussion and possible action on board member travel policy; discussion and possible action on fiscal year 1980-81 budget request; discussion and possible action on Mock Electronic Protection Systems; and discussion and possible action on recent news film.

Additional information may be obtained from Clema D. Sanders, P.O. Box 13509, Austin, Texas 78711, telephone (512) 475-3944.

Filed: May 9, 1978, 1:36 p.m.
Doc. No. 783156

Texas State Board of Registration for Professional Engineers

Thursday, May 25, 1978, 1:30 p.m. The Texas State Board of Registration for Professional Engineers will meet in Room 200, John H. Reagan Building, 1400 Congress, Austin, to observe the opening of bids for the engineering registration building.

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

Filed: May 11, 1978, 10:26 a.m.
Doc. No. 783199

Public Utility Commission of Texas

Friday, May 19, 1978, 10:30 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to sign final orders, hear oral argument, and rule on motions for rehearing regarding various dockets, as summarized in the agenda.

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

Filed: May 9, 1978, 12:53 p.m.
Doc. No. 783155

School Land Board

Tuesday, May 16, 1978, 10 a.m. The School Land Board will meet in Room 831, 1700 North Congress, Austin, to consider the following items, as summarized: eight pooling agreement applications; one good faith claimant application; disposition of state-owned oil field equipment on Duval County Ranch in Duval County; coastal public lands, six easement applications; two alteration requests; three transfer requests; and 10 permit renewals.

Additional information may be obtained from H. E. White, Room 749, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6491.

Filed: May 8, 1978, 4:01 p.m.
Doc. No. 783133

Structural Pest Control Board

Thursday, May 18, 1978, 9 a.m. The Structural Pest Control Board will meet in Suite 123, Building H, 5555 North Lamar, Austin, to consider the following items, as summarized: executive director's report; motion for rehearing on James Donnell (doing business as Alice Pest and Termite Control Company, Inc.) case, at 10 a.m.; Sunset Act; miscellaneous; and setting of dates for next examination and next board meeting.

Additional information may be obtained from Charlie Chapman, Suite 123, Building H, 5555 North Lamar, Austin, Texas 78751, telephone (512) 454-3617.

Filed: May 9, 1978, 4:28 p.m.
Doc. No. 783161



Texas State Technical Institute

Sunday, May 21, 1978, 2 p.m., and Monday, May 22, 9 a.m. The Board of Regents of Texas State Technical Institute will meet on the TSTI campus, Waco, to consider the following items, as summarized: report by TSTI-Waco campus; approval for continuation of classes with less than 10 students; approval of budget changes; authorization to make short term leases; lease with Aviation Properties, Inc., for surplus airfield capacity on TSTI-Waco campus; approval to award a contract for modification to Welding and Fabrication Program Building on TSTI-Amarillo campus; approval to award contract for re-roofing Building 39 on TSTI-Harlingen campus; approval of final plans and specification for Electronics Technology Building on TSTI-Harlingen campus and authorization to advertise for and take competitive bids; approval to award construction contract for four buildings on TSTI-Sweetwater campus; approval to award contract for modification to Industrial Technology Building (Building 1-5) on TSTI-Waco campus; approval of sale of railroad spur on TSTI-Waco campus; approval of compensation rates for fiscal year 1979; review of personnel action; and other business.

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611, extension 385.

Filed: May 11, 1978, 10:05 a.m.
Doc. No. 783195

Board for Lease of University Lands

Thursday, May 18, 1978, 4 p.m. The Board for Lease of University Lands of the University of Texas System will meet in the General Land Office eighth floor conference room, Stephen F. Austin Building, Austin. The agenda will include: plans for next (68th) auction sale of oil and gas leases; recommendation for termination of Union Oil Company of California State Poquito Unit "A", Ward County; ratification of actions by geologist in charge on taking royalty gas in kind and price redeterminations; changes in lease Form No. 16; discussion of future market value lawsuits; changes in rules and regulations; redetermination of Texaco market value settlement price and commingling of production.

Additional information may be obtained from Maxine R. Dean, 210 West 6th Street, Austin, Texas 78701, telephone (512) 471-5781.

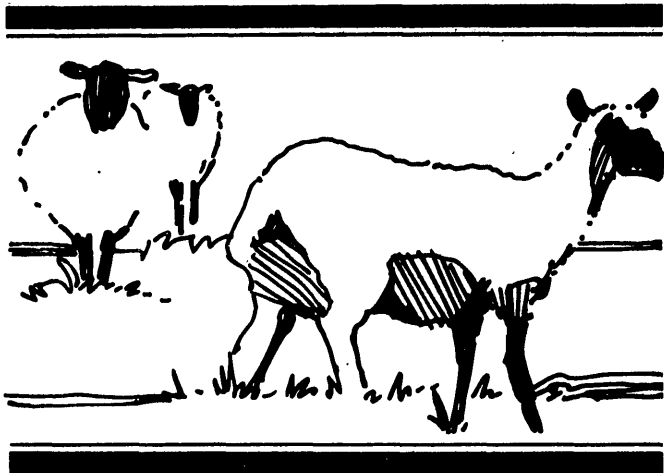
Filed: May 10, 1978, 10:19 a.m.
Doc. No. 783173

Veterans Land Board

Tuesday, May 16, 1978, 2 p.m. The Veterans Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: report of the executive secretary; forfeiture action on veterans' accounts; and extensions.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, Austin, Texas 78711, telephone (512) 475-3766.

Filed: May 8, 1978, 3:21 p.m.
Doc. No. 783132



Texas State Board of Veterinary Medical Examiners

Sunday, June 11, 1978, 2 p.m., and Monday-Wednesday, June 12-14, 1978, 9 a.m. The Texas State Board of Veterinary Medical Examiners will meet at the Holiday Inn South, 1503 Texas Avenue, College Station. As summarized, the board will discuss general business, practice complaints, and enforcement, on June 11. The licensing examination will begin at 9 a.m. on June 12 through June 14, in the College of Veterinary Medicine, Texas A&M University, College Station.

Additional information may be obtained from T. D. Weaver, 603 Capital National Bank Building, Austin, Texas 78701, telephone (512) 475-3933.

Filed: May 9, 1978, 12:51 p.m.
Doc. No. 783154

Texas Water Commission

Wednesday, May 31, 1978, 10 a.m. The Texas Water Commission has rescheduled a hearing to be held in the Stephen F. Austin Building, 1700 North Congress, Austin, regarding an application of Franklin F. Kelly for approval of preliminary plans for construction of a levee or other improvements, as summarized. This hearing was originally scheduled for May 5.

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

Filed: May 9, 1978, 2:56 p.m.
Doc. No. 783159

Friday, June 23, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing on an application by Tarrant County Water Control and Improvement District No. 1 (Application No. 1144E). As summarized, the applicant seeks an amendment to Permit No. 1073, to authorize diversion and use of not to exceed 2500 acre/feet of water per annum to irrigate 1250 acres of land in Wise County, to reduce by 2500 acre/feet per annum the amount of water authorized to be diverted for mining purposes, to authorize the use of the bed and banks of the West Fork Trinity River to transport the water to downstream irrigators and to qualify its combined maximum diversion rate at 1050 cfs (471,450 gpm).

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

Filed: May 4, 1978, 3:33 p.m.
Doc. No. 783078

Friday, June 23, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the cancellation of Permit No. 2910 of the Estate of Earl George Rodman, Sr., deceased, to appropriate state water for recreational purposes in Edwards County, for failure to commence or complete construction of project within the time provided, as summarized.

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

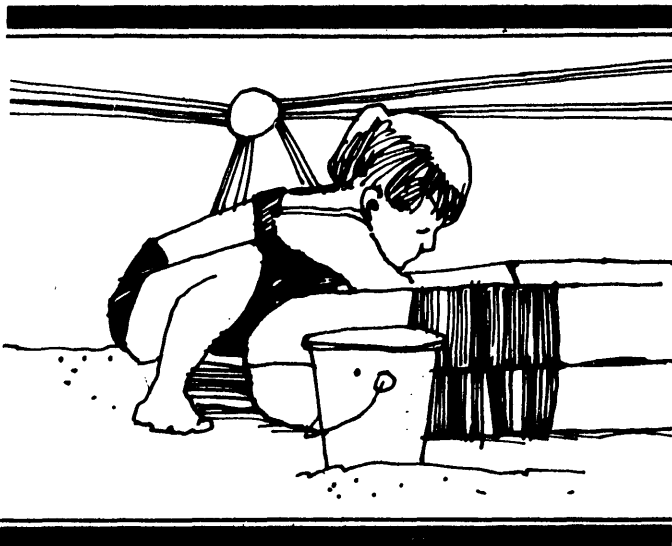
Filed: May 4, 1978, 3:33 p.m.
Doc. No. 783079

Texas Water Development Board

Tuesday, May 16, 1978, 9 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the board will consider: report of Development Fund manager on present status of the Development Fund; request for financial assistance by San Patricio Municipal Water District; adoption of a resolution supporting the passage of federal legislation clarifying the IRS Code relating to the taxability of interest on bonds issued to construct water resource facilities; a transfer agreement and amendment to master agreement between the Texas Water Development Board and San Jacinto River Authority; amended application for financial assistance by Harris County FWSD No. 6 under Water Quality Enhancement Program for an additional \$150,000 and for increase of its construction grant to \$808,425; an amendment to the master agreement for cooperative topographic mapping with the U.S.G.S.; approval of 208 Basic Data Reports, regarding Canadian, Red, Lavaca, and Guadalupe basins; approval of 208 Management Plan Report, regarding Lower Rio Grande and Texarkana; approval of contracts for Supplemental 208 Planning Grant; and amend contract with Water Resources Engineers, Inc., for Eutrophication Modeling. An executive session will also be held to discuss personnel matters.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: May 8, 1978, 4:05 p.m.
Doc. No. 783134



Regional Agencies Meetings Filed May 8, 1978

The Capital Area Planning Council, Executive Committee, will meet in the CAPCO Conference Room, Suite 400, 611 South Congress, Austin, on May 16, 1978, at 2 p.m. Further information may be obtained from Richard Bean, Suite 400, 611 South Congress, Austin, Texas 78704, telephone (512) 443-7653.

The Education Service Center, Region III, Board of Directors, met at 1905 Leary Lane, Victoria, on May 15, 1978, at 1 p.m. Further information may be obtained from Dr. Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, telephone (512) 575-1471.

The Golden Crescent Council of Governments, Executive Committee, will meet in the conference room, 202 East Santa Rosa, Victoria, on May 17, 1978, at 5 p.m. Further information may be obtained from George V. Atkinson, Jr., P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587.

The Sabine River Authority of Texas, Board of Directors, will meet in the meeting room, Lake Country Inn, Center, on May 24, 1978, at 11 a.m. Further information may be obtained from John W. Simmons, P.O. Box 579, Orange, Texas, telephone (713) 883-9334.

The San Antonio River Authority Employees Retirement Trust, Board of Trustees, will meet in the conference room, 100 East Guenther, San Antonio, on May 17, 1978, after 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

Doc. No. 783123

Meetings Filed May 9, 1978

The Ark-Tex Council of Governments, Area Agency on Aging Regional Advisory Council, will meet at the First National Bank, Mount Pleasant, on Thursday, May 18, 1978, at 1:30 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

The Austin-Travis County MH/MR, Budget/Finance Committee, met at 1430 Collier Street, Austin, on Tuesday, May 9, 1978, at 5:30 p.m. Further information may be obtained from Larry J. Miller, Ph.D., 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Deep East Texas Regional MH/MR Services will meet in the conference room, 4101 South Medford Drive, Lufkin, on Tuesday, May 16, 1978, at 5 p.m. Further information may be obtained from Wayne Lawrence, Ph.D., 4101 South Medford Drive, Lufkin, Texas 75901, telephone (713) 639-1141.

The Houston-Galveston Area Council, Areawide Planning Advisory Committee, met at 3701 West Alabama, Houston, on Monday, May 15, 1978, at 4 p.m. Further information may be obtained from Doris Ebner, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Mental Health-Mental Retardation Regional Center of East Texas will meet at the Mineola Civic Center, Mineola, on Thursday, May 18, 1978, at 4 p.m. Further information may be obtained from Richard J. DeSanto, 305 South Broadway, Tyler, Texas 75702, telephone (214) 597-1351, extension 70.

The Middle Rio Grande Development Council, Regional Advisory Committee on Aging, will meet at the Housing Authority of Crystal City, 1014 East Uvalde Street, Crystal City, on Monday, May 22, 1978, at 2:30 p.m. The Regional Alcoholism and Drug Abuse Advisory Committee will meet at Eagle Pass Public Library, Eagle Pass, on Tuesday, May 23, 1978, at 2 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Texas Municipal Power Agency, Audit and Budget Committee, met at 600 Arlington Downs Tower, Arlington, on Thursday, May 11, 1978, at 12:30 p.m. The Board of Directors met at 9 a.m. on May 11 at the same location. The Board of Directors will also meet at the Dallas/Fort Worth Airport Marina Hotel, Dallas/Fort Worth, on Friday and Saturday, May 19-20 and June 2-3, at 9 a.m. Further information may be obtained from Paul R. Cunningham, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

The Nortex Regional Planning Commission, Executive Committee, will meet at McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on Thursday, May 18, 1978, at noon. Further information may be obtained from Edwin B. Daniel, 2101 Kemp, Wichita Falls, Texas 76309, telephone (817) 322-5281.

The San Antonio River Authority, Board of Directors, will meet in the conference room of the general offices, 100 East Guenther, San Antonio, on Wednesday, May 17, 1978, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

Doc. No. 783144

The Central Texas Council of Governments, Executive Committee, will meet at the National Guard Armory, Gatesville, on Thursday, May 18, 1978, at 10:30 a.m. Further information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at the Victoria Bank and Trust Board Room, 120 South Main, Victoria, on Thursday, May 18, 1978, at 10 a.m. Further information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, telephone (512) 379-5822.

The Education Service Center, Region XV, Joint Committee, will meet in the board room, San Angelo ISD Administration Building, 100 North Magdalen, San Angelo, on Thursday, May 18, 1978, at 10 a.m. The Board of Directors will meet at the same location on May 18, at 1:30 p.m. Further information may be obtained from Charles T. Bitters, P.O. Box 5199, San Angelo, Texas 76902, telephone (915) 655-6551.

The Education Service Center, Region XVI, Board of Directors, will meet at 1601 South Cleveland, Amarillo, on Thursday, May 18, 1978, at 1 p.m. Further information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120, telephone (806) 376-5521.

The Lower Colorado River Authority will meet at 3700 Lake Austin Boulevard, Austin, on Wednesday, May 17, 1978, at 9 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

The Sabine Valley Regional MH/MR Center, Board of Trustees, will meet at 1602 West Grand Avenue, Marshall, on Thursday, May 18, 1978, at 7:30 p.m. Further information may be obtained from Frances H. Willis, P.O. Box 1128, Longview, Texas 75601, telephone (214) 758-8243.

The Trinity River Authority of Texas, Administration Committee, will meet in the executive conference room, TRA's general office, 2723 Avenue E East, Arlington, on Thursday, May 18, 1978, at 9:30 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 783176

Meetings Filed May 10, 1978

The Alamo Area Council of Governments, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on Wednesday, May 24, 1978, at 1:30 p.m. Further information may be obtained from Al J. Notzon III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

The Austin-Travis County MH/MR, Budget/Finance Committee, met at 1430 Collier Street, Austin, on Wednesday, May 10, 1978, at 1 p.m. Further information may be obtained from Dr. Larry J. Miller, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Brazos Valley MH/MR Center, Board of Trustees, will meet in the second floor board room, 202 East 27th Street, Bryan, on Thursday, May 18, 1978, at 4 p.m. Further information may be obtained from Linda S. Davis, Ph.D., 202 East 27th Street, Bryan, Texas 77801, telephone (713) 779-2000.



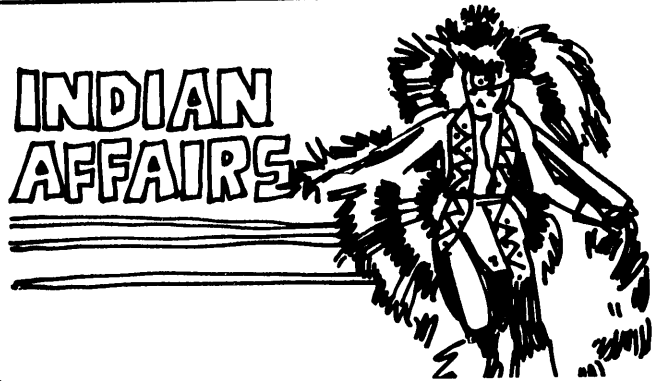
Meetings Filed May 11, 1978

The Concho Valley Council of Governments, Executive Committee, will meet in the St. Angelus Room, Central National Bank, 36 West Beauregard, San Angelo, on May 17, 1978, at 7 p.m. Further information may be obtained from James F. Ridge, 7 West Twohig Building, Room 505, San Angelo, Texas 76903, telephone (915) 653-1214.

The West Texas Systems Agency, Governing Body, will meet in the Lockhard Room, Chamber of Commerce, 10 Civic Center Plaza, El Paso, on May 18, 1978, at 7 p.m. Further information may be obtained from Lucille Munday, 303 North Oregon, Suite 700, El Paso, Texas 79901, telephone (915) 532-2910.

Doc. No. 783198

INDIAN AFFAIRS



State Bar of Texas 2nd Annual Advanced Estate Planning and Probate Course

The State Bar of Texas' Real Estate, Probate, and Trust Law Section is sponsoring its 2nd Annual Advanced Estate Planning and Probate Course in Dallas at the LeBaron Hotel on Monday, June 5, through Friday, June 9, 1978. The 4-1/2-day course will be directed by J. Chrys Dougherty of Austin and composed of a faculty of professors and practitioners from Texas and across the nation.

The course will deal with Texas and federal substantive procedural matters in estate planning and probate law, and is intended as a broad review course for lawyers who have had substantial involvement in estate planning and probate practice. It is not intended to be a "cram course" anticipating specific specialization questions nor a "how-to-do-it" course; however, it is intended to be a concentrated coverage of the major areas of Texas and federal substantive and procedural law, including those areas designated for coverage on the estate planning and probate specialization examination.

Credit for attendance at this course will be given toward the continuing legal education requirements for the certification and recertification of estate planning and probate law by the Texas Board of Legal Specialization.

The topics for the 4-1/2-day course are as follows:

Monday, June 5

Recent Developments in Probate Law
Recent Developments in Trust Law
Income Taxation of Estates and Trusts
Gifts to Minors
Probate Court Jurisdiction
Independence and Dependent Administration

Tuesday, June 6

Ethics and Malpractice in Estate Planning
The Use of Trusts in Estate Planning: An Overview
Taxation of Closely Held Corporations
Life Insurance in Estate Planning After the Tax Reform Act
Estate Planning for Employee Benefits

Wednesday, June 7

Social Security and Medicare Considerations in Estate Planning
Guardianship and Claims in Probate
Will Contest Litigation
Carryover Basis and Estate Planning
Estate Planning for the Migrant Client

Thursday, June 8

The Marital Deduction in Texas
Powers of Appointment and Powers of Invasion in Estate Planning
Planning for Generation—Skipping Transfers
Post Mortem Tax Planning
Interspousal Gifts

Friday, June 9

A Review of Wills and Will Provisions—Spotting Trouble
Disclaimers
Handling an Estate Tax in Controversy

Registration for the course is \$225, which includes the course and extensive articles bound in a hardback, three-ring binder. This course is limited; therefore, you must pre-register for the course and your preregistration must be accompanied by at least a \$50 deposit, which is refundable until 5 p.m. on May 29, 1978 (which is when the entire fee must be paid). Registration may be made by sending a check payable to the State Bar of Texas, "Advanced Estate Planning and Probate Course," P.O. Box 12487, Austin, Texas 78711.

Issued in Austin, Texas, on May 2, 1978.

Doc. No. 783109 Judy Bolton
Institute Facilities Coordinator
State Bar of Texas

Filed: May 5, 1978, 11:50 a.m.

For further information, please call (512) 475-6842.

Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision 8960

Summary of Decision: Motor vehicles which were purchased and used upon Texas public highways for the sole purpose of testing and developing automobile air conditioning systems are not exempt from motor vehicle sales and use tax as "demonstrators." (Texas Taxation—General Annotated, Article 6.03.)

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.

Issued in Austin, Texas, on May 10, 1978.

Doc. No. 783184 Harriet D. Burke
Hearings Section
Comptroller of Public Accounts

Filed: May 10, 1978, 11:43 a.m.

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

Public Utility Commission of Texas

Consultant Proposal Request

Description of the Project: The Division of Economic Research, Public Utility Commission of Texas, will enter into a contract with a market research organization to obtain data and information to be used in a statewide electric rate design study. The survey will identify usage and appliance saturation levels of various socio-economic groups throughout the state.

The consultant will be responsible for developing the final survey instrument (questionnaire) and identifying the target respondents to insure a representative sample of Texas electric consumers. The consultant will be responsible for the training and quality control associated with the survey. Analysis of the data will be conducted also by the Economic Research Division. Approximately three months will be allowed for the contract period.

Contact Person: John Carlson, energy policy analyst, Economic Research Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-6111.

Date of Reports: Closing date for receipts of offers is 5 p.m. Friday, May 26, 1978. All proposals will be evaluated and a final consultant selection will be made.

Issued in Austin, Texas, on May 10, 1978.

Doc. No. 783185 William E. Avera
Director of Economic Research
Division
Public Utility Commission
of Texas

Filed: May 10, 1978, 12:05 p.m.

For further information, please call (512) 458-6111.

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