

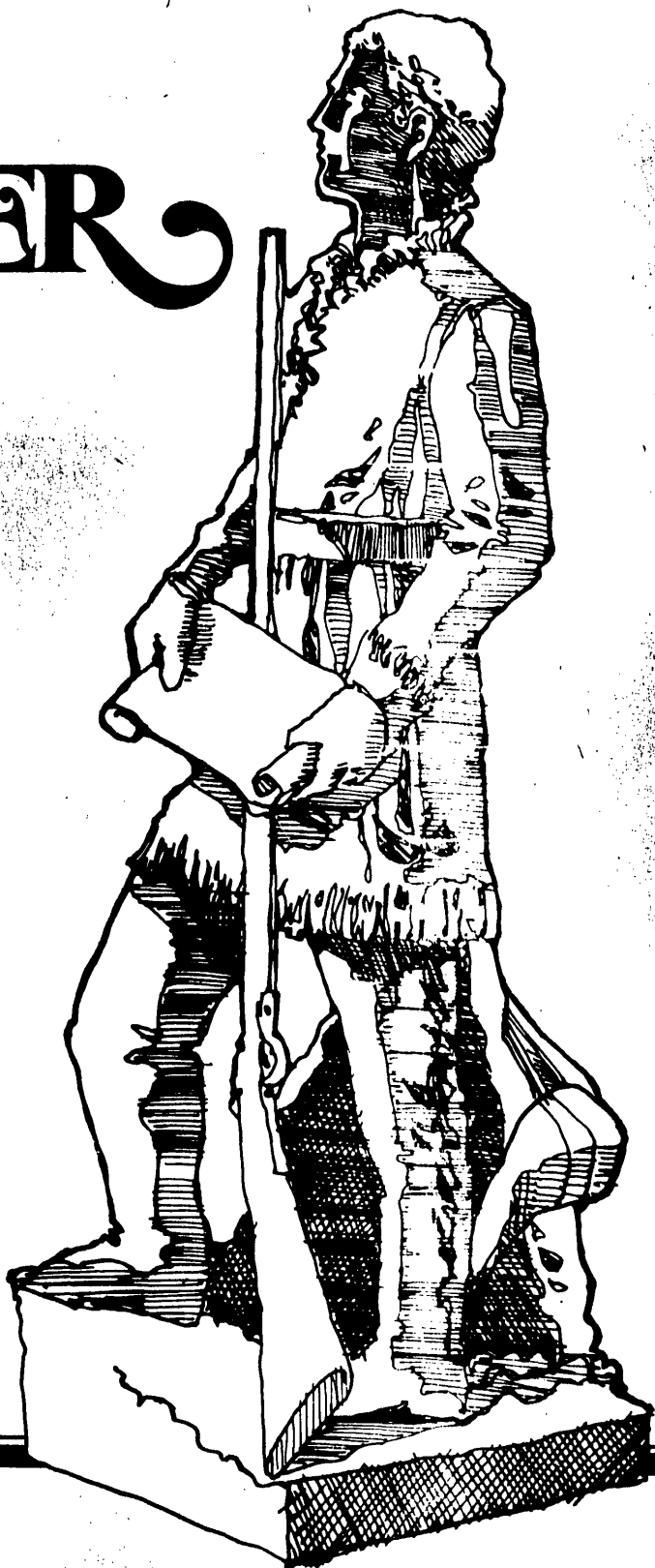
# TEXAS REGISTER

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Office of the Secretary of State

USPS Publication Number 120090

# NOTES ON THE ISSUE

1770

The attorney general offers an opinion that the use of secret ballots in a meeting of a governmental body violates the Texas Open Meetings Act. The attorney general asserts that the act is designed to ensure that decisions of public bodies are reached openly and that the public can observe the actions of their representatives. Further, he states that the secret ballot, when used to protect citizens when choosing their representatives, is a hallmark of a democratic system of government; but, when it is used to conceal a public official's vote, it violates the fundamental tenet of an elected or appointed official's ultimate accountability to the electorate.

Senate Bill 737 of the 65th Texas Legislature requires state agencies and regional councils of government to file with the secretary of state before contracting for services expected to exceed \$10,000 a notice of invitation for offers of consulting services. The notice must include the name of the person to contact; the closing date for receipt of offers; and the procedure by which the agency will award the contract. Agencies and councils are also required to file, within 10 days after contracting for such services, a description of the study the consultant is to conduct; the name of the consultant; the amount of the contract; and the due dates of the reports the consultant is to present. The Department of Human Resources' proposed rules governing that agency's procedure of fulfilling the requirements of this act appear in the Proposed Rules section.

*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*

The *Texas Register* is published twice weekly, at least 100 times a year, except March 7, June 2, November 28, and December 29, by the Texas Register Division, Office of the Secretary of State, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-7886.

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

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

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## Opinions

### Summary of Opinion H-1160

Request from Thomas E. Bishop, major general, TexARNG, the adjutant general, Austin, concerning whether Article 6252-26, Vernon's Texas Civil Statutes, applies to members of the state military forces.

**Summary of Opinion:** The state military forces are covered by Article 6252-26, Vernon's Texas Civil Statutes, as amended by the 65th Legislature. Its protection does not extend to the federal National Guard technicians supervised by the adjutant general.

Doc. No. 783201

### Summary of Opinion H-1161

Request from Steve Suttle, chairman, Texas Commission on Jail Standards, Austin, concerning the authority of Texas Commission on Jail Standards to establish guidelines for salaries of county jail personnel.

**Summary of Opinion:** The Texas Commission on Jail Standards lacks authority to promulgate a rule equalizing the salaries of county jail personnel with the salaries of law enforcement officers in the field. The commissioners court has authority to fix the salaries of jail personnel at a level lower than the pay of other county law enforcement officers of equal rank and seniority.

Doc. No. 783202

### Summary of Opinion H-1162

Request from Truett Latimer, executive secretary, Texas Antiquities Committee, Austin, concerning the validity of proposed rules of the Texas Antiquities Committee which would require underwater cultural resource survey guidelines.

**Summary of Opinion:** The rulemaking authority of the Texas Antiquities Committee is limited to areas in which there is a likelihood that a state archaeological landmark is present. Within those areas, the committee has authority to require surveys whose purpose is to locate state archaeological landmarks.

Doc. No. 783203

### Summary of Opinion H-1163

Request from Chet Brooks, chairman, Senate Committee on Human Resources, Austin, concerning whether secret ballots conducted by a governing body violate the Open Meetings Act.

**Summary of Opinion:** The use of a secret ballot in a meeting of a governmental body violates the Texas Open Meetings Act.

Doc. No. 783204

### Summary of Opinion H-1164

Request from Joe Resweber, Harris County attorney, Houston, concerning the stipends for Harris County Commissioners Court members or their surrogates.

**Summary of Opinion:** If the Commissioners Court of Harris County determines that the attendance of a commissioner or his representative at business meetings of particular private groups is reasonably and necessarily incident to the proper functioning of the county government and properly related to the commissioner's statutory duties, the court may legally authorize payments of \$10 per meeting per court member (or county employee representing a court member) as a part of his salary for attending such meetings, assuming the action is taken at the proper time.

Doc. No. 783205

## Open Records Decisions

### Summary of Open Records Decision ORD-191

Request from Stanley E. Wilkes, Jr., district legal counsel, Dallas County Community College District, Dallas, concerning whether an employee's grievance filed with the community college district is available under the Open Records Act to other employees whose names are mentioned in the grievance.

**Summary of Decision:** An employee of a community college district is entitled to see those portions of grievance filed by another employee which relate to him.

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

Doc. No. 783200      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

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



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 Human Resources

### Legal Services

#### Consultant Contracts 326.79.05

The Department of Human Resources proposes the following rules about guidelines for contract administration. Contracts for consulting services are subject to the specific procedures contained in Senate Bill 737, 65th Legislature, Regular Session, 1977. These specific requirements are in addition to other requirements of federal and state laws and regulations. If it is foreseeable that the total reimbursement for a consultant under a contract will exceed \$10,000, notice of the proposed procurement must be published in the *Texas Register*.

As determined by department staff, these proposed rules apply to existing programs and will have no fiscal implications for the state or for local units of government.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—074, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

#### .001. Definitions.

(a) "Consulting service" means the practice of studying an existing or a proposed operation or project of an agency and advising the agency with regard to the operation or project.

(b) "Private consultant" means an entity that performs consulting services.

.002. *Use of Private Consultant.* A private consultant may only be used if: (1) there is a substantial need for the consulting service, and (2) the department cannot adequately per-

form the consulting service(s) with its own personnel. In each case where a consultant contract is proposed, the contract file must contain documentation that satisfies these requirements. The only exemption is that these requirements do not apply in the case of a registered professional engineer, a registered architect, or private legal counsel.

#### .003. Notice of Offer.

(a) If it is reasonably foreseeable that the total reimbursement for a consultant under a contract will exceed \$10,000, a Request for Proposal must be prepared. Notice of the proposed procurement must be published in the *Texas Register*, and the Legislative Budget Board and the Governor's Office of Budget and Planning must be informed.

(b) The following documents must be submitted to Legal Division no less than 55 days before the proposed closing date for acceptance of offer:

(1) Request for Proposal (four copies) that includes: a clear and complete description of the kind of service desired; the closing date for the receipt of offer; the name and address of the DHR person who should be contacted by someone wishing to submit an offer; the procedure to be used by the department in evaluating offers (all significant evaluation factors must be identified); and whether or not an option to renew the contract is contemplated.

(2) A notice of the Request for Proposal for submission to the *Texas Register* that includes: a concise description of the kind of service desired; the closing date for the receipt of offer; the name and address of the person to whom the offer should be addressed; a concise description of the procedure to be used by the department in evaluating offers; and whether or not an option to review the contract is contemplated.

(3) Draft letters from the commissioner to the director, Legislative Budget Board, and the director, Governor's Office of Budget and Planning, enclosing copies of the RFP. These letters will provide information that show compliance with Rule 326.79.05.003.

.004. *Notice of Award.* Each contract for consulting services over \$10,000 when submitted to Legal Division for signature will have an attached notice for submission to the *Texas Register*. The department must file a notice of award with the *Texas Register* within 10 days after contracting a private consultant. This notice shall contain: a description of the study; the name of the private consultant; the amount of contract; and due dates of required reports from the consultant.

.005. *Reports.* Appropriate DHR staff are responsible for keeping records and for ensuring that:

(1) One copy of each report from a consulting contractor is forwarded to Legal Division for filing with the Texas State Library.

(2) Copies of the reports and all study designs are available to be forwarded to the Legislative Budget Board and the Governor's Office of Budget and Planning if requested.

(3) A report of action taken on recommendations of private consultants will be provided to the Legislative Budget Board and the Governor's Office of Budget and Planning. Central Budget Division in State Office will request these reports and will compile them for presentation at budget hearings.

.006. *Renewal of Contracts.* A consulting services contract may be renewed without incurring additional cost to the department. If, however, a renewal will entail an additional expense to the department, it must comply with the requirements of Senate Bill 737, 65th Legislature, Regular Session, 1977.

Issued in Austin, Texas, on May 11, 1978.

Doc. No. 783207      Jerome Chapman  
                                 Commissioner  
                                 Texas Department of Human Resources

Proposed Date of Adoption: June 19, 1978

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



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.

## Board of Nurse Examiners Bylaws 388.01.00

Under the authority of Article 4514, Revised Civil Statutes of Texas, the State Board of Nurse Examiners adopts the amendments to Rules 388.01.00.004 and .005.

No negative comments were received on these proposed amendments; therefore, the board adopts the amendments with no changes in the proposed text.

### .004. *Treasurer.*

(a) The treasurer shall be responsible for being fully informed regarding the fiscal affairs of the Board of Nurse Examiners. The treasurer shall work cooperatively with the executive secretary and chairman of the Finance Committee in the preparation of the annual budget to be adopted by the board.

(b) The treasurer shall function in the absence of the president and vice-president.

.005. *Board Functions.* A member of the board shall be appointed to serve as chairman in directing the board functions in each of the following areas. The chairman of each functional area shall be appointed at each annual meeting and shall serve until the next annual meeting.

(a) Bylaws/rules and regulations. The chairman shall prepare proposed bylaws/rules and regulation changes and present same to the board prior to any meeting.

(b) Finance. The chairman shall work cooperatively with the treasurer and executive secretary in the preparation of the annual budget.

(c) Education. The chairman shall work cooperatively with the treasurer and the executive secretary on:

(1) plans for school visits;

(2) recommendations to the schools following survey visits or reports;

(3) workshops or special programs for school representatives; field visits as needed;

(4) general work of the board relating to educational activities.

(d) Nursing practice. The chairman shall:

(1) work closely with the executive secretary in all matters relating to Article 4525 and the enforcement of mandatory licensure;

(2) make field visits as necessary;

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

Doc. No. 783190

Margaret L. Rowland, R.N.  
Executive Secretary  
Board of Nurse Examiners

Effective Date: May 31, 1978

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

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

## Texas Deepwater Port Authority

**Wednesday, May 17, 1978, 2 p.m.** The Board of Commissioners of the Texas Deepwater Port Authority cancelled a meeting scheduled to be held in the board room, fourth floor, Allied Bank of Texas, One Shell Plaza, 910 Louisiana, Houston.

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

Filed: May 15, 1978, 9:18 p.m.  
Doc. No. 783255

## Texas State Board of Dental Examiners

**Wednesday and Thursday, May 24-25, 1978, 9 a.m.** The Texas State Board of Dental Examiners will meet in the board hearing room, Houston Oaks Hotel, Houston. As summarized, the board will consider the adoption of or amendments to the board's rules and regulations; conduct scheduled disciplinary hearings; and conduct regular board business.

Additional information may be obtained from Carl C. Hardin, Jr., 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed: May 12, 1978, 9:24 a.m.  
Doc. No. 783212

## State Depository Board

**Wednesday, May 24, 1978, 10:30 a.m.** The State Depository Board will meet in the office of the state treasurer, LBJ Building, 111 East 17th Street, Austin, to consider applications for designation of state depositories as made by the

following banks: Commercial State Bank, Andrews; Farmers and Merchants State Bank, Burleson; First National Bank, Carthage; First Bank of Deer Park; Western Bank, Duncanville; Lake Worth National Bank, Fort Worth; Metro Bank, Midland; Bank of Pasadena; and Central National Bank of Woodway-Hewitt, Waco. The board will also review interest rates charged on time account deposits.

Additional information may be obtained from Warren G. Harding, P.O. Box 12608, Austin, Texas 78711, telephone (512) 475-2591.

Filed: May 12, 1978, 1:17 p.m.  
Doc. No. 783229

## General Land Office

**Wednesday, May 24, 1978, 10 a.m.** The Board for Lease of Department of Corrections will meet in Room 831, 1700 North Congress, Austin, to consider six geophysical permit applications, as summarized in the agenda.

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

Filed: May 12, 1978, 9:50 a.m.  
Doc. No. 783214

## Texas Department of Health

**Saturday, May 20, 1978, 9:30 a.m.** The Texas Board of Health will meet in the board room, 1100 West 49th Street, Austin, to consider the following items, as summarized in the agenda: discussion of programs of mutual interest with University of Texas Cancer Center; commissioner's report; recommendation to discontinue production of biologicals; immunization requirements in child care facilities; immunization requirements in elementary or secondary schools and institutions of higher education; delegations of specific authority to the commissioner of health; appointments to the Crippled Children Program Technical Advisory Committee; and committee reports concerning budget, board policies and procedures, and personnel.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7488.

Filed: May 12, 1978, 4:30 p.m.  
Doc. No. 783237

**Sunday, June 11, 1978, 9:30 a.m.** The Title XIX EPSDT Advisory and Review Committee of the Texas Department of Health will meet in the board room, 1100 West 49th Street, Austin. As summarized, the board will discuss new manuals for providers, report of funds, and utilization review reports.

Additional information may be obtained from H. O. Simmons, D.D.S., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7635.

Filed: May 12, 1978, 9:17 a.m.  
Doc. No. 783210



## State Department of Highways and Public Transportation

**Tuesday and Wednesday, May 23-24, 1978, 9 a.m.** The State Highway and Public Transportation Commission will meet in the large hearing room (first floor) and Room 207 (second floor), State Highway Building, 11th and Brazos Streets, Austin. As summarized, the commission will hear presentations in the large hearing room (first floor) by the public for various highway, bridge, and F.M. road requests regarding: Smith County, Collin County, Jackson County, and mineral leasing right-of-way. The docket is available in the second floor commission office in the State Highway Building. Upon completion of the public presentations, the commission will meet in Room 207 to consider the following items, as summarized: execution of contract awards and routine minute orders; decisions on presentations from public hearing dockets; review of staff reports relative to planning and construction programs and projects. This agenda is available in the second floor office of the minute clerk in the State Highway Building.

Additional information may be obtained from the office of the engineer-director, Room 203, State Highway Building, 11th and Brazos Streets, Austin, Texas 78701, telephone (512) 475-3525.

Filed: May 15, 1978, 11:01 a.m.  
Doc. No. 783258

## State Board of Insurance

**Tuesday, May 23, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application by John N. Toole, Dallas, to acquire control of National County Mutual Fire Insurance Company, Houston (pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5, Docket No. 5428).

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

Filed: May 15, 1978, 1:42 p.m.  
Doc. No. 783274

**Wednesday, May 24, 1978, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto, Austin, to consider an application by Coley Lee Hampton, Houston to acquire control of United Capital Insurance Company, Houston (pursuant to Texas Insurance Code Annotated, Article 21.49-1, Section 5, Docket No. 5429).

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

Filed: May 15, 1978, 1:42 p.m.  
Doc. No. 783275

**Wednesday, May 24, 1978, 1:30 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 public hearing to consider a protest of the use of the name, Texas Farm Lloyds Insurance Company (San Antonio), pursuant to Texas Insurance Code Annotated, Article 18.03 and Board Order No. 9066 (Docket No. 5430).

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

Filed: May 15, 1978, 1:42 p.m.  
Doc. No. 783276

## Lamar University

**Wednesday, May 24, 1978, 10 a.m.** The Board of Regents of Lamar University will meet in the board room, Plummer Administration Building, main campus, Beaumont. As summarized, the agenda will include: approval of bids for renovations to chemical engineering laboratories; consideration of traffic regulations for 1978-79; and executive session to consider sale of university properties.

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

Filed: May 15, 1978, 1:42 p.m.  
Doc. No. 783273

## Texas Board of Physical Therapy Examiners

**Sunday, May 21, 1978, 9 a.m.** The Texas Board of Physical Therapy Examiners will meet in the Fort Worth Sheraton Hotel, Fort Worth. The board will consider the following items, as summarized: investigations report; physical therapy in education setting; and Sunset criteria.

Additional information may be obtained from Lois M. Smith, 5555 North Lamar, Suite H-135, Austin, Texas 78751, telephone (512) 475-7956.

Filed: May 12, 1978, 9:21 a.m.  
Doc. No. 783211

## Department of Public Safety

**Tuesday, May 23, 1978, 10 a.m.** The Public Safety Commission of the Department of Public Safety will meet at 5805 North Lamar, Austin, to consider budget and personnel matters, building program, and any other unfinished business.

Additional information may be obtained from Wilson E. Speir, 5805 North Lamar, Austin, Texas 78752, telephone (512) 452-0331.

Filed: May 12, 1978, 10:45 a.m.  
Doc. No. 783217

## Public Utility Commission of Texas

**Monday, May 22, 1978, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on an application of Desert Water Supply Corporation for a rate increase within Grayson, Fannin, and Collin Counties (Docket No. 1480).

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

Filed: May 12, 1978, 10:31 a.m.  
Doc. No. 783215

## Railroad Commission of Texas

**Monday, May 15, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission considered the application of Lo-Vaca Gathering Company to review and revise existing contracts, consideration of motion for extension of time for filing closing statements (Docket 500). This matter had to be set for May 15, as that date was the current deadline for filing of closing statements.

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

Filed: May 12, 1978, 10:34 a.m.  
Doc. No. 783219

**Monday, May 15, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission considered the motion of Lo-Vaca Gathering Company to amend order in Gas Utilities Docket 643, consideration of motion of Lo-Vaca Gathering Company to extend the order in Gas Utilities Docket 1222. The motion to extend the order required action before the order expired.

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

Filed: May 12, 1978, 10:34 a.m.  
Doc. No. 783220

**Monday, May 15, 1978, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission considered Docket No. 79,700, 68579 and Docket No. 4-0423319.

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

Filed: May 12, 1978, 10:34 a.m.  
Doc. No. 783221

**Monday, May 22, 1978, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission will consider Gas Utilities Dockets 1093, 827, 1055, 1473, 1456, 1562 through 1570, 1574, 1576, and 1575. The summarized agenda also includes the director's report and an executive session regarding litigation and personnel matters.

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

Filed: May 12, 1978, 10:35 a.m.  
Doc. No. 783222

**Monday, May 22, 1978, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission will consider the following items: various proper pluggings, tidal disposal, consolidation, reinstatement of allowable, Rule 37 cases, Net GOR, amend field rules, gas field rules, review temporary field rules; administrative new oil and gas field discoveries, exception to SWR 14(B)(2), exception to Statewide Rule 11, exception to Statewide Rule 8(C), amendment of statewide rule 051.02.02.032; and director's report. An executive session will also be held.

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

Filed: May 12, 1978, 10:35 a.m.  
Doc. No. 783224

**Monday, May 22, 1978, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission will consider the gas field rules for various fields: Agua Dulce (7550), (7900), (6050), and (Stray 5270) Fields, Nueces County; Tulsita-Wilcox (7900) Field, Bee County; McAllen Ranch (Vicksburg Y) Field, Hidalgo County.

Additional information may be obtained from Sandy Mott, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-6155.

Filed: May 12, 1978, 10:36 a.m.  
Doc. No. 783225

**Monday, May 22, 1978, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. The commission will consider Docket No. 2-68,097, Holly Energy for net GOR rule and exception to SWR 10, Texana (5500') and (6620 Frio) Fields, Jackson County.

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

Filed: May 12, 1978, 3:42 p.m.

Doc. No. 783231

**Monday, May 22, 1978, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in the 10th floor conference room, Ernest O. Thompson Building, 10th and Colorado Streets, Austin. As summarized, the commission will consider the following applications: to amend authority; for truck rate; for motor brokers license; to consolidate authority; to divide authority; for new authority; to change name; for rail rate; for reinstatement; and to sell authority.

Additional information may be obtained from John G. Soule, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3207.

Filed: May 12, 1978, 10:35 a.m.

Doc. No. 783223

## State Tax Board

**Friday, May 26, 1978, 10 a.m.** The State Tax Board will meet in Room 104, Lyndon B. Johnson Building, Austin, to consider the recommended preliminary estimate of the 1978 Intangible Tax Assessment and to authorize the state comptroller to notify the taxpayers of their intangible assessments.

Additional information may be obtained from Helen Mize, Comptroller's Department, second floor, 121 West 6th Street, Austin, Texas 78701, telephone (512) 475-4166.

Filed: May 15, 1978, 11:14 a.m.

Doc. No. 783259

## Texas Water Commission

**Monday, May 15, 1978, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda of a meeting held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission considered a permit regarding Brown County Water Improvement District No. 1 vs. City of Coleman. The district is seeking an order from the commission directing the city to release into Jim Ned Creek below Lake Coleman all water belonging to the district under its prior water right (Permit No. 1036).

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

Filed: May 12, 1978, 3:49 p.m.

Doc. No. 783232

**Monday, May 22, 1978, 10 a.m.** The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the commission will consider the following items: district bond issues; release from escrow; change in plans; petition for district creation; examiner's proposals for decisions on water quality matters; voluntary cancellation of water quality permit; final decisions on applications; setting of hearing dates on applications; approval of plans for adjudication of water rights in the Upper Nueces River Segment of the Nueces River Basin.

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

Filed: May 12, 1978, 3:50 p.m.

Doc. No. 783233

**Tuesday, May 23, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application of Smith Industries, Inc. (Alleyton Facility), Houston. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 300 people.

Additional information may be obtained from Larry Soward, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: May 15, 1978, 12:01 p.m.

Doc. No. 783289

**Wednesday, May 24, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 120 West 3rd Street, Mount Pleasant, to consider applications to the Texas Department of Water Resources for permits to allow for a discharge of domestic sewage effluent. As summarized, the following have submitted applications: Texas Department of Highways and Public Transportation (Bowie County Rest Areas); and Texas Department of Highways and Public Transportation (Harrison County Rest Areas).

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

Filed: May 15, 1978, 12:02 p.m.

Doc. No. 783267

**Wednesday, May 24, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 120 West 3rd Street, Mount Pleasant, to consider an application from the City of Paris (Surface Water Treatment Plant). As summarized, the applicant seeks an amendment to Permit No. 10479 to accommodate an increase in wastewater flow limitations.

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

Filed: May 15, 1978, 12:01 p.m.

Doc. No. 783268

**Wednesday, May 24, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 120 West 3rd Street, Mount Pleasant, to consider an application from the Kelly Springfield Tire Company, Tyler. As summarized, the applicant seeks an amendment to Permit No. 01589 to accommodate an increased flow of wastewaters mainly from storm water runoff.

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

Filed: May 15, 1978, 12:01 p.m.  
Doc No 783270

**Wednesday, May 24, 1978, 10 a.m.** The Texas Water Commission will conduct a hearing in the Council Chamber, City Hall, 120 West 3rd Street, Mount Pleasant, to consider an application from Lone Star Steel Company, Lone Star. As summarized, the applicant seeks an amendment to Permit No. 00348 to accommodate an increase in discharge volume as a result of improved flow measuring and storm water handling systems.

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

Filed: May 15, 1978, 12 p.m.  
Doc. No. 783271

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by White Oak Bend Municipal Utility District (c/o Fulbright & Jaworski, Houston). As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population of 2,600 people.

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

Filed: May 15, 1978, 12:03 p.m.  
Doc. No. 783260

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by Harris County Municipal Utility District No. 150, Houston. As summarized, the applicant seeks an amendment to Permit No. 11763 to accommodate plant construction to increase treatment capacity.

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

Filed: May 15, 1978, 12:03 p.m.  
Doc. No. 783261

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by Mobay Chemical Corporation, Baytown. As summarized, the applicant seeks a Class I Industrial Solid Waste Management Site Permit for their Baytown plant which would authorize the receipt and storage of certain wastewater generated from Mobay Chemical Corporation's Agricultural Division in Kansas City, Missouri.

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

Filed: May 15, 1978, 12:03 p.m.  
Doc. No. 783262

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by Gulf Coast Waste Disposal Authority (Metro Central Treatment Plant), Houston. As summarized, the applicant seeks an amendment to Permit No. 11851 to accommodate plant expansion and an increase in treatment capacity.

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

Filed: May 15, 1978, 12:02 p.m.  
Doc. No. 783263

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by Gulf Coast Waste Disposal Authority (Alief Regional Plant), Houston. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 10,000 people.

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

Filed: May 15, 1978, 12:02 p.m.  
Doc. No. 783264

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by South Gulf Management, Inc., Houston. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 2,500 people.

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

Filed: May 15, 1978, 12:02 p.m.  
Doc. No. 783265

**Thursday, May 25, 1978, 9 a.m.** The Texas Water Commission will conduct a hearing in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to consider an application by Lammac, Inc., Houston. As summarized, the applicant seeks a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent of 1,500 people.

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

Filed: May 15, 1978, 12:02 p.m.

Doc. No. 783286

## West Texas State University

**Friday, May 19, 1978, 10 a.m.** The Board of Regents of West Texas State University will meet in Room 125, Activities Center, West Texas State University, Canyon. The summarized agenda includes consideration of the following: approval of annual operating budget; approval of student service fee allocation; approval of permanent improvement contract procedure; authority for personnel to release securities; appointment of committee to review legislative appropriations request for 1980-81 biennium; confirmation of contract for food service; confirmation of budget changes; nomination for appointment of faculty and staff; faculty and staff and curriculum items, deletions, leaves of absence, employment, tenure, and promotion; personnel matters (executive session); and appeal of Dr. Donald C. Todd.

Additional information may be obtained from Texas Smith, Box 997, West Texas State University, Canyon, Texas 79016, telephone (806) 656-3962.

Filed: May 11, 1978, 1:14 p.m.

Doc. No. 783208

## Regional Agencies

### Meetings Filed May 11, 1978

**The Lubbock Regional MH/MR Center, Human Development Center,** met at 1210 Texas Avenue, Lubbock, on May 16, 1978, at 4:30 p.m. Further information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, telephone (806) 763-4213.

Doc. No. 783209

### Meetings Filed May 12, 1978

**The Ark-Tex Council of Governments, Governmental Applications Review Committee,** met in the City Council Chambers, City Hall, Mount Pleasant, on May 17, 1978, at 1:30 p.m. Further information may be obtained from Laura Jacobus, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 74-3481.

**The Austin/Travis County MH/MR, Board of Trustees,** met at 1430 Collier, Austin, on May 15, 1978, at 6 p.m. The Operations Committee met at 8 p.m. Further information may be obtained from Dr. Larry Miller, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

**The Central Counties Center for MH/MR Services, Board of Trustees,** met at the Captain's Table, Lake Belton, on May 18, 1978, at 7 p.m. Further information may be obtained from Dr. Steven B. Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

**The Central Texas Health Systems Agency, Inc., Public Meeting Division,** met at the Ramada Inn, Loop 363 and South 31st, Temple, on May 18, 1978, at 7 p.m. The Governing Body will meet at the Hilton Inn, 6000 Middle Fiskville Road, Austin, on May 23, 1978, at 7 p.m. Further information may be obtained from Irwin R. Salmanson, 1106 Clayton Lane, Suite 140 East, Austin, Texas 78723, telephone (512) 458-9161.

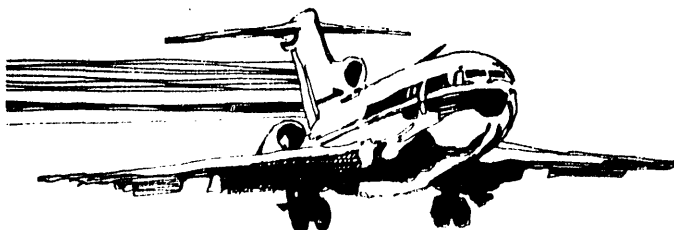
**The South Texas Health Systems Agency, GCSAC Project Review Committee,** met in Room 126, Allied Health Building, Victoria College, 2200 Red River, Victoria, on May 17, 1978, 7:30 p.m. The Board of Directors met at the Laredo Hilton Inn, One South Main, Laredo, on May 20, 1978, at noon. Further information may be obtained from Emily Petersen or Richard Kull, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 783218

### Meetings Filed May 15, 1978

**The Texas Municipal Power Agency, Board of Directors,** will meet at 600 Arlington Downs Tower, Arlington, on May 25, 1978, at 10 a.m. The board will meet again at the Marina Hotel, Dallas/Fort Worth Airport, Dallas/Fort Worth, on June 8 and 9, 1978, at 9 a.m. daily. Further information may be obtained from Paul R. Cunningham, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

Doc. No. 783757



## Coordinating Board, Texas College and University System

### Consultant Contract Award

**Description and Consultant:** The Coordinating Board, Texas College and University System has entered into a private consultant contract with Touche Ross and Company for a comprehensive study of options for state involvement in and administration of guaranteed programs of loans for students in post secondary educational institutions.

**Terms of Contract:** The terms of the contract are from April 17, 1978, to August 31, 1978, for a fixed price of \$35,900.

**Project Report:** The end product of the project will be a report to the interim committee which structures required decisions and identifies recommendations and rationale. The report will be reviewed with the staff of the Coordinating Board and then presented to the interim committee. It is anticipated that the report will be ready for presentation by August 31, 1978.

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

Doc. No. 783213      Kenneth H. Ashworth  
Commissioner of Higher Education

Filed: May 12, 1978, 9:34 a.m.

For further information, please call (512) 475-4361.

## Texas Health Facilities Commission

### Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings or exemption certificates accepted May 2-8, 1978.

Should any person wish to contest the application for a declaratory ruling or an exemption certificate, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to become a party to an application for a declaratory ruling or exemption certificate must meet the minimum criteria set out in Rule 506.

Failure of a party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 302, 502, and 515.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate and DR indicates declaratory ruling.

Los Barrios Unidos Community Clinic, Dallas  
AO78-0424-001

DR—Request for ruling on project to replace existing two-chair dental clinic and six-examining room facility with five-chair dental clinic and nine-examining room facility.

St. Luke's Episcopal Hospital, Houston  
AH78-0504-005

EC—Acquire Pho/Gamma Low Energy Mobile Scintillation Camera System to replace existing stationary scintillation scanner in Nuclear Medicine Service.

Gulf Coast Medical Center, Wharton  
AN78-0505-010

EC—Acquire High Resolution Diagnostic Ultrasound Scanning System for Radiology Department.

Irving Community Hospital, Irving  
AH78-0505-015

DR—Request for ruling that the acquisition of telemetry monitoring equipment does not require a certificate of need nor an exemption certificate due to prior-Act development.

Wichita Falls Psychiatric, Wichita Falls  
AN78-0424-025

DR—Certificate of need is required for The Merit Corporation to acquire Wichita Falls Psychiatric from Hillhaven, Inc., under a plan of reorganization relating to the combination of the two companies.

Medicenter-Corpus Christi, Corpus Christi  
AN78-0424-030

DR—That neither an exemption certificate nor a certificate of need is required for The Merit Corporation to acquire Medicenter-Corpus Christi from Hillhaven, Inc., under a plan of reorganization relating to the combination of the two companies.

Medicenter-Dallas, Dallas  
AN78-0424-033

DR—That neither an exemption certificate nor a certificate of need is required for The Merit Corporation to acquire Medicenter-Dallas from Hillhaven, Inc., under a plan of reorganization relating to the combination of the two companies.

Medicenter-Fort Worth, Fort Worth  
AN78-0424-036

DR—That neither an exemption certificate nor a certificate of need is required for The Merit Corporation to acquire Medicenter-Fort Worth from Hillhaven, Inc., under a plan of reorganization relating to the combination of the two companies.

Hillhaven Convalescent Center, El Paso  
AN78-0424-039

DR—That neither an exemption certificate nor a certificate of need is required for The Merit Corporation to acquire Hillhaven Convalescent Center from Hillhaven, Inc., under a plan of reorganization relating to the combination of the two companies.

North Central Texas Home Health Agency, Inc., Fort Worth  
AS78-0508-001

EC—Lease additional 900 square feet of office space at 603 South Adams Street location.

Doc. No. 783227

## Notice of Petition for Certificate of Need Reissuance

Notice is given by the Texas Health Facilities Commission of application (including a general project description) for petition of reissuance of certificate of need accepted during the period of May 2-8, 1978.

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must be submitted to the commission within five days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing.

The petition will be approved only if the commission determines that it qualifies under the criteria of Section 3.13 of Article 4418(h), Vernon's Annotated Civil Statutes, and Rules 315.18.02.010-.140 and 315.19.02.012-.020.

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third.

Spring Hills Nursing Center, San Antonio  
AN77-0502-013R (042878)

CN—Petition for reissuance of Certificate of Need AN77-0502-013 to construct a 64-bed private nursing home facility in San Antonio

Issued in Austin, Texas, on May 12, 1978.

Doc. No. 783228      Dan R. McNery  
General Counsel  
Texas Health Facilities  
Commission

Filed: May 12, 1978, 11:34 a.m.

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



## Texas Register Correction of Error

**Correction of Public Hearings Schedule for May and June, 1978.** A schedule of hearings to be held by the Texas Department of Health regarding proposed amendments to its rules on Long Term Care Facilities, as published in the May 16, 1978, issue of the *Texas Register* (3 TexReg 1754) contained two errors.

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 following are the corrections to the hearings schedule:

### **Wednesday, June 7, 1978**

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

### **Friday, June 9, 1978**

10 a.m.—Midland National Bank Building, Midland

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

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