

TEXAS REGISTER

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NOTES ON THE ISSUE

The Texas Education Agency proposes amendments to its rules governing procedures for nonbiased pupil appraisal. The rules, in effect for two years, attempt to ensure that students will not be placed in special programs because of biased testing. TEA requires that students who have been placed on the basis of tests found to be biased be returned to the regular program. The agency has found that many students, although incorrectly placed in special education programs, have difficulty in readjusting to and achieving in regular programs. The proposed amendments provides for a transitional program to ease possible behavioral and/or academic problems in this transfer.

The Motor Vehicle Sales Tax Division of the Comptroller's Office is proposing amendments to its rule governing consular officers and employees. Recent adoptions by the State Tax Division (3 TexReg 1707) concerning this subject produced discrepancies between the handling of these taxes. Both differed from the United States Department of State's guidelines based on treaties. The adoption by the Motor Vehicle Sales Tax Division would bring the state's taxation of the officials of the 54 consular offices in the state in line with the other division of the Comptroller's Office and with the Department of State.

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

Artwork: Gary Thornton

TEXAS REGISTER



*Office of the
Secretary of State*

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Appointments

85th Judicial District of Texas

Effective May 16, 1978, to be judge of the 85th Judicial District of Texas, Brazos County, until the next general election and until his successor shall be duly elected and qualified:

W. T. McDonald, Jr.
1700 Brook Hollow
Bryan, Texas 77801

Mr. McDonald is replacing Judge Wilbur C. Davis of Bryan, Brazos County, who resigned.

103rd Judicial District of Texas

Effective immediately, to be judge of the 103rd Judicial District of Texas, Cameron and Willacy Counties, until the next general election and until his successor shall be duly elected and qualified:

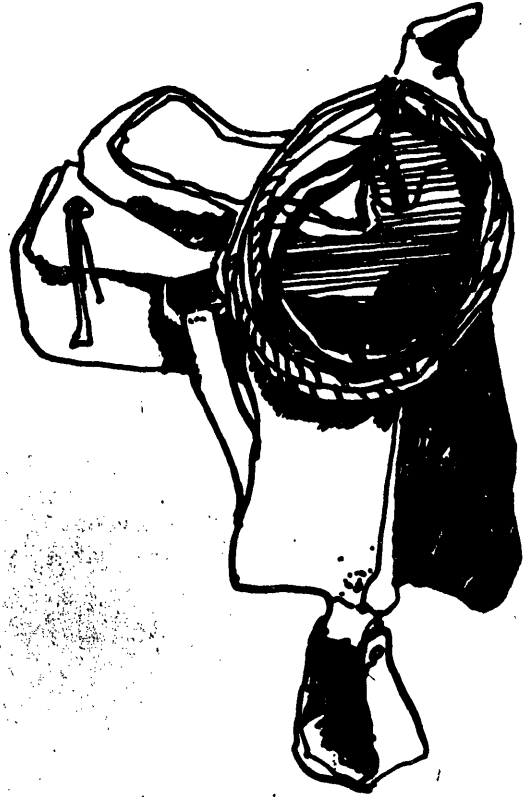
Raul A. Gonzalez
1304 Duranta Lane
Brownsville, Texas 78520

Mr. Gonzalez is replacing Judge William Scanlan of Brownsville, Cameron County, who resigned.

Issued in Austin, Texas, on May 15, 1978.

Doc. No. 783350- Dolph Briscoe
783351 Governor of Texas

For further information, please call (512) 475-4571.



Requests for Opinions

Summary of Request for Opinion RQ-1885

Request for opinion sent to the Attorney General's Opinion Committee by Robert E. Stewart, commissioner, Department of Banking, Austin.

Summary of Request: Does the fact that financial institutions (including banks, savings and loan institutions, and credit unions) who participate in a network of electronic cash-dispensing machines and pay a fee to a company which provides the data processing services necessary to operate the network result in the institution violating the prohibition against branch banking as contained in Article 16, Section 16 of the Texas Constitution, and Article 942-903, Vernon's Texas Civil Statutes?

Doc. No. 783348

Summary of Request for Opinion RQ-1886

Request for opinion sent to the Attorney General's Opinion Committee by A. R. Schwartz, state senator, Austin.

Summary of Request:

(1) As of September 1, 1978, is a judicial district still required to distribute fees collected from probationers to the county or counties in the district? (Compare Article 42.12, Section 6a(b), with Section 10(h), effective September 1, 1978.)

(2) If your answer to number one is yes, will the county be able to use any portion of those fees or must it deposit said funds in a special account with the state aid to be used solely for probation officer's salaries and other supervisor's expenses?

(3) If the county can use those fees, what portion of the fees can it use and for what purposes?

(4) Can the fees or state aid be used for juvenile probation services?

(5) Can the fees or state aid be used for the salary of a probation officer who voluntarily serves both adults and juveniles?

(6) Does the term "physical facilities, equipment, and utilities" include:

- (a) telephones?
- (b) telephone bills?
- (c) automobiles?
- (d) automobile expenses and mileage?

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783349

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

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

PROPOSED RULES

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.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Sales Tax Division 026.02.06

The Comptroller of Public Accounts is proposing to amend Rule 026.02.06.003 entitled Consular Officers and Employees. The proposed amendment changes existing policy by extending the exemption to cover families of consuls and administrative and technical officials of the consulate and their families. Prior policy exempted only the head of the consulate. The new rule also staggers the expiration date of exemption certificates for administrative ease.

A small revenue loss is expected to result from the proposed rule. The maximum revenue loss over the next five years would be \$5,000 a year. It is not anticipated that this figure will be reached in any year. (Source: Revenue Estimating staff, Comptroller of Public Accounts.)

Public comment on the proposed amendment to Rule 026.02.06.003 is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Austin, Texas 78711.

The amendment is proposed under the authority of Texas Taxation—General Annotated, Article 6.02 (1969).

.003. Consular Officers and Employees (Purchases-Importation by Foreign Military Personnel-Consular and Diplomatic Officials—Article 6.01(1); 6.02(2)).

(a) *Consular officers, administrative and technical employees. Foreign consular officers, consular administrative and technical employees, and members of their families are exempt from the payment of the motor vehicle sales use tax if:*

(1) *they have received Type A-1, A-2, or A-3 diplomatic visas from the United States Department of State; and*

(2) *the consulates are operated by foreign countries which have treaties with the United States prohibiting the imposition of sales tax on consular officers, consular administrative and technical employees, and members of their families.*

(b) *Other consular staff and officials. If a specific treaty between the United States and a foreign country forbids the imposition of sales tax on other consular staff or officials, then such persons must meet the requirements set forth in Section (a)(1)(2).*

(c) *Persons not qualified for exemption. No person may be exempt from the payment of motor vehicle sales and use tax pursuant to this rule if the person:*

(1) *is a citizen or permanent resident of the United States; or*

(2) *engages in any business or activity for gain within the United States; or*

(3) *is an honorary consular officer; or*

(4) *is a family member who is not part of the officer or employee's household; or*

(5) *is in the United States for the primary purpose of receiving military training.*

(d) *Procedure.*

(1) *Persons qualifying for the consular exemption are entitled to purchase or use motor vehicles in this state without paying the motor vehicle sales and use tax by presenting to the county tax assessor-collector a Consular Exemption Certificate signed by the person claiming the exemption and countersigned by the Comptroller of Public Accounts of the State of Texas.*

(2) *The senior officer in each consulate is responsible for applying to the Comptroller of Public Accounts for the certificates to be used by consular officers or employees and their families, and for the return of the certificates to the comptroller for cancellation when the certificates may not be used under this rule. The loss of certificates must be reported at once.*

(3) *The status of each applicant for a certificate will be subject to confirmation by the Office of Protocol, United States Department of State, prior to the comptroller's issuing a certificate.*

(4) *Consular Exemption Certificates will be promulgated on a form prescribed by the Comptroller of Public Accounts. Those certificates will expire two years from date of issue. Application for a renewal certificate must be made in the same manner as application for an original certificate. There will be no charge for the issuance or reissuance of the certificate. The comptroller may require the surrender of any certificate upon the furnishing of satisfactory proof of the unauthorized use of the certificate.*

[The motor vehicle use tax does not apply to the temporary importation of motor vehicles by nonresident military personnel. (See NATO Treaty, Article II, Section 6 (4 United States Treaties 1814).) Neither motor vehicle sales or use tax applies to the purchase or use of motor vehicles in this state by consular or diplomatic officials assigned to Texas. (See Vienna Convention on Consular Relations, Article 49 (21 U.S.T. 108); Vienna Convention on Diplomatic Relations, Article 34 (23 U.S.T. 3242).) There is no exemption of the motor

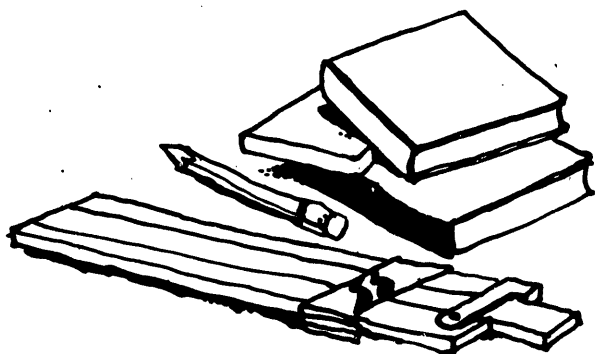
vehicle sales or use tax on motor vehicles that are purchased by nonresident foreign military personnel while on duty in Texas.]

Issued in Austin, Texas, on May 19, 1978.

Doc. No. 783393 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: June 26, 1978

For further information, please call (512) 475-6897.



Texas Education Agency

Texas Education Agency in General

Nonbiased Pupil Appraisal Procedures

226.11.07

The Texas Education Agency proposes to amend Rule 226.11.07.010, concerning nonbiased pupil appraisal procedures. The change addresses the problem of students who have been placed in special educational programs on the basis of appraisal procedures which are not considered biased. The proposed change would make each school district responsible for providing special transitional services to such students as they are moved into more appropriate programs.

The Texas Education Agency anticipates that the proposed amendment to Rule 226.11.07.010 will have no state-level fiscal implications. The provision of transitional services may require either real location of existing resources or additional funds in some local school districts.

Public comment on the proposed amendment to Rule 226.11.07.010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Sections 11.24 and 11.26, Texas Education Code.

.010. *Commitment to and Procedures for Nonbiased Pupil Appraisal.* The State Board of Education commits itself to the belief that schools are responsible for ensuring that students of a particular race, sex, national origin, or primary home language are not denied the opportunity to obtain the education generally obtained by other students in the system. It affirms that school districts should exercise particular care in the *appraisal process which includes the referral, assignment, [or] placement, or change in placement* of students to any of a variety of special programs—including special education, migrant, bilingual, gifted and talented, and vocational programs—[so that]. Such procedures *shall [do] not discriminate* against students on the basis of race, sex, national origin, [or] primary home language, *or handicapping condition.*

In order to be nondiscriminatory in the aforementioned areas, any selection procedure must be formulated and administered solely on criteria appropriate to meeting the special educational needs of the student for whom the program is designed and, further, must provide for timely reassessment and opportunity for reassignment. Procedures and tests must be used which give adequate consideration to such factors related to the assessment of learning, as sociocultural and adaptive behaviors of students being tested, and linguistic and cultural competencies of test examiners. Similarly, adequate consideration to these factors should be included in the training of teachers, aides, and other instructional personnel.

If a student has been placed in any special program on the basis of selection procedures which are not in compliance with current statutes, State Board of Education policies or Texas Education Agency administrative procedures, it is the responsibility of the school district to provide special transitional services as the student is moved into more appropriate programs. The establishment of transitional services through the cooperation of special programs and general education should allow the student and the receiving teachers to receive the support necessary for continued educational growth and development. There should be no loss of credits earned in the special program or other penalties.

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783340 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: July 8, 1978

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

Responsibilities Outside the Public School System

Guidelines and Minimum Standards for Operation of Texas Proprietary Schools

226.25.90.020

The Texas Education Agency proposes to amend Rule 226.25.90.020 to delete paragraphs 3 and 4, which set out cer-

tificate requirements for schools with multiple locations. These paragraphs were incorrectly codified. The proposed change moves them from Rule .020 to Rule .050, where they more properly belong. This change is editorial only. The effective date of the requirement concerning schools with multiple locations is June 7, 1978. This effective date for the substantive requirement will not be affected by the proposed recodification.

The Texas Education Agency anticipates that the proposed amendment to Rule 226.25.90.020 will have no state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.25.90.020 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Section 32.22, Texas Education Code.

.020. Guidelines in General. The Texas Education Agency will evaluate each school according to the standards of practice as set forth herein. The complete picture presented by the entire educational, promotional, and ethical structure of the school will receive consideration in its evaluation. The quality of educational programs offered by each school will be judged in terms of the announced policies as set forth in the bulletins, school literature, and application for Certificate of Approval.

Every effort will be made to evaluate fairly and impartially each school application for approval and each representative permit to solicit students in Texas for the purpose of selling courses of instruction. The Texas Education Agency will endeavor to provide an effective and constructive application of the law and standards of practice adopted for regulating proprietary schools.

[A proprietary school must obtain a Certificate of Approval for each location where a course or courses of instruction will be offered, unless the school meets one of the following exceptions:

- (1) schools which offer short-term courses not to exceed 200 hours at locations other than their main campuses provided there is a 90-day interval between course offerings;
- (2) schools which offer review courses, the purpose of which is to assist students in reviewing for required examinations for licensing or for entering academic institutions and reading improvement schools;
- (3) itinerant schools which do not hold classes in more than one location at a time;
- (4) schools which acquire additional classroom facilities because of space limitations.

[Schools which hold a Certificate of Approval on the date this guideline becomes effective will not be required to apply for an additional certificate for any facilities in which they are conducting continuous courses of instruction, provided that those facilities were approved as a part of the school's application for its Certificate of Approval.]

The Texas Education Agency will assist all schools and their directors under its jurisdiction, whenever possible, in complying with the provisions of the law and standards of practice. Inquiries or requests for information should be directed to the Division of Proprietary Schools and Veterans Education, Texas Education Agency, Austin, Texas 78701.

Doc. No. 783344

226.25.90.050

The Texas Education Agency proposes to amend Rule 226.25.90.050, concerning general provisions for proprietary schools. The proposed change moves requirements for schools with multiple locations from Rule .020 to Rule .050. There is no substantive change proposed. The requirement that schools must have a certificate for each location unless they meet certain exceptions has an effective date of June 7, 1978. This effective date is unaffected by the proposed editorial change.

The Texas Education Agency anticipates that the proposed amendment to Rule 226.25.90.050 will have no state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.25.90.050 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Section 32.22, Texas Education Code.

.050. General Provisions. No proprietary school shall maintain, advertise, solicit for, or conduct any course of instruction in Texas without obtaining a Certificate of Approval from the administrator. Any proprietary business, technical, vocational, or home-study school, not exempt, desiring to operate in the State of Texas or do business in the state shall make written application to the administrator for a Certificate of Approval. Schools exempt from the provisions of the law shall make written application to the administrator for a request for exemption. Schools desiring renewal of Certificate of Approval shall make application at least 30 days prior to the expiration date of the Certificate of Approval. A Certificate of Approval is nontransferable.

A proprietary school must obtain a Certificate of Approval for each location where a course or courses of instruction will be offered, unless the school meets one of the following exceptions:

- (1) schools which offer short-term courses not to exceed 200 hours at locations other than their main campuses provided there is a 90-day interval between course offerings;
- (2) schools which offer review courses, the purpose of which is to assist students in reviewing for required examinations for licensing or for entering academic institutions and reading improvement schools;
- (3) itinerant schools which do not hold classes in more than one location at a time;

(4) schools which acquire additional classroom facilities because of space limitations.

Schools which hold a Certificate of Approval on the date this guideline becomes effective will not be required to apply for an additional certificate for any facilities in which they are conducting continuous courses of instruction, provided that those facilities were approved as a part of the school's application for its Certificate of Approval.

A person or persons purchasing an approved proprietary school shall comply with all the requirements for securing an original approval. In addition, a copy of the sales contract(s), bill(s) of sale, deed(s), and all other instruments necessary to transfer ownership of the school must be submitted to the agency. The purchaser will accept responsibility for all refund liabilities. Application forms and other pertinent data shall be submitted at least 30 days prior to change in ownership.

Exempted schools may make application for a Certificate of Approval and, upon approval and issuance, shall be subject to the provisions and regulations applicable to nonexempt schools during the period of approval. Applications for Certificate of Approval shall be made on forms provided by the administrator.

Any representative of a proprietary school who directly procures students or enrollees for the school by solicitation with or without this state shall apply for registration with the administrator. The registration, unless revoked for just cause, shall be valid for a period not to exceed 12 calendar months. Renewal of registration shall be made on renewal applications provided by the administrator. The administrator may, for good cause, suspend solicitation, enrollment, or re-enrollment of students.

Doc. No. 783343

Comprehensive Instruction

Allocation of Funds for Supportive Purposes 226.32.36.020 and .030

The Texas Education Agency proposes to amend Rules 226.32.36.020 and .030 concerning the \$400 in operating funds allocated to vocational teacher units under the Foundation School Program. The proposed change permits any fund balance of the \$400 allocation to be carried over, beginning with the 1977-78 school year. The requirement that expenditures be reported by specified expenditure categories is deleted. Instead, schools will be required to maintain records to document that all expenditures are for vocational education purposes. An obsolete reference is deleted from Rule .030.

The Texas Education Agency anticipates that the proposed change will have no state or local fiscal implications, other than a possible saving for some local school districts because of reduced reporting requirements.

Public comment on the proposed amendment to Rule 226.32.36.020 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All

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

This amendment is proposed under the authority of Sections 11.24 and 16.103(f), Texas Education Code.

.020. Funds for Operating Costs.

(a) Policy. Vocational teacher units shall be included in determining the total current operating cost of each district. In addition to this allowance, there shall be an additional allocation of \$400 from the Foundation School Program in accordance with 226.41.06.010 for each approved vocational teacher unit.

(b) Administrative procedure. The procedures which apply to the use of additional operating funds allocated for [to] each approved vocational teacher unit are *as follows*: [specified in the *Guide for Planning Programs of Vocational Education for In-School Youth* and are given below.]

(1) The additional \$400 of Foundation School Program funds [(226.41.06.010)] are allocated to a school at the beginning of the school year as soon as the approved vocational teacher unit list has been prepared and certified by the Department of Occupational Education and Technology to the Finance Division.

(2) [A school district is paid as much of the \$400 as it spends for the operation of each vocational unit. A special reporting form entitled "Report on Expenditures for the Operation of Approved Vocational Unit" is to be submitted by the school district to the Department of Occupational Education and Technology by April 1 each school year in order to be eligible to receive these operating costs.] School districts receive 10 percent of their allocation from the Texas Education Agency each month, and final adjustments in reimbursement are made at the end of the school term. *Beginning with the 1977-78 school year, the fund balance of the \$400 allocation may be used for vocational operations during the subsequent year.*

(3) [Any portion of] The \$400 *should* [used for the operation of a unit must] supplement, not replace, local funds normally budgeted for the operation of the unit.

(4) The school district must maintain records *to document that all expenditures are for vocational education purposes* [of itemized expenditures for each unit and must retain documents as necessary to verify the payment of expenditures].

(5) Funds allocated for the operation of two or more approved units in multiunit programs may, at the discretion of the school administrator, be combined into one account provided all the units in the program are operated on the same campus and receive substantially the same benefits from the expenditure of combined funds.

[(6) Operating costs which may be paid from funds allocated to a unit are divided into four categories and are defined or explained as follows:

[(6-1) Instructional supplies—Consumable items used up in the course of instruction, such as welding rods, metal, cleaning compounds, paper, typewriter ribbons, chemicals, cleaning fluids, fabrics, and the like.

[(6-2) Teaching aids—Nonconsumable items (other than capital equipment) which are used in facilitating instruction and which may include films, film strips, transparencies, models, mock-ups, service manuals, charts, and the like.

[(6-3) Expendable, short-lived tools and instruments—For student use, are of relatively low cost, have a life expectancy of two years or less, and may be too fragile to withstand hard and continuous usage in shop or laboratory. These items may include small hand tools, meters, sewing machine attachments, drafting instruments, and the like.

[(6-4) Technical library acquisitions—Technical books and manuals, reference books, consumer publications, and the like, but not state-adopted textbooks.]

.030. Reimbursable Instructional Equipment.

(a) Policy. Subject to the availability of funds, new programs (units) in public schools, preparing high school youth for gainful employment, shall be eligible for reimbursement on instructional equipment basic to the occupation taught. Schools shall not be eligible for reimbursable equipment for programs or classes already approved and in operation except on a priority basis. When additional vocational education funds become available, the Texas Education Agency may allocate specified amounts with which schools may purchase equipment for programs in operation. The selection of these programs is based upon a priority system which reflects the need for financial assistance in providing adequate instructional equipment. Schools eligible to receive financial assistance in acquiring instructional equipment may request funds through approved procedures.

(b) Administrative procedure. Subject to the availability of funds, consideration is given to one request per program for approval of reimbursable instructional equipment before September 1. One additional request can be considered if submitted before November 1 and provided the late request can be justified. For units starting with the second semester, applications for equipment are considered up to January 1 and a second request considered not later than April 1.

Districts eligible to receive financial assistance for instructional equipment submit a proposed itemized list of equipment to the associate commissioner for Occupational Education and Technology for approval prior to purchase. After approval is made, the school district may proceed to purchase approved items in accordance with local policies and procedures [(Bulletin 754, *Guide for Public Schools in Planning Programs of Occupational Education for In-School Students*, 226.32.93.090)].

Doc. No. 783341

Foundation School Program

Allocation of Personnel Units 226.41.03

The Texas Education Agency proposes to amend Rule 226.41.03.042, concerning the allocation of personnel units under the Foundation School Program to the Department of Corrections. The proposed change adds the provision that the Foundation School Program salaries of personnel assigned to a Windham Unit shall be equivalent to the actual salaries in effect in the school district where the Windham Unit is located. Salaries of district-wide administrative personnel shall be equivalent to those in the district where the administrative offices of the Windham Schools are located.

The Texas Education Agency estimates that the cost to the state for the proposed change will be approximately \$150 per year for the next five years. There will be no local costs.

Public comment on the proposed amendment to Rule 226.41.03.042 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed under the authority of Section 29.05, Texas Education Code.

.042. Allocation of Personnel Units to the Department of Corrections.

(a) Policy. The commissioner of education may allocate personnel units and operating costs to schools operated by the Department of Corrections for incarcerated persons. Such allocations shall be paid from Foundation School Program Funds and shall be made in accordance with procedures approved by the State Board of Education.

(b) Administrative procedure.

(1) The program is operated for 12 months each year and all personnel are employed for 12 months each year. Personnel units are allocated by dividing the average daily attendance by 18. Vocational education and special education units are allocated in addition.

(2) Operating costs are allocated in the same manner as for other Foundation School Programs.

(3) Average daily attendance, for the current year, is calculated as follows:

(A) Five hours of attendance is equal to one day of attendance.

(B) No student may earn more than 1,046 hours of eligible attendance.

(C) To be eligible, a student must be in attendance not less than six hours a week, not more than two hours of which may be in directed activities.

(D) Only those students who are not graduates of an accredited high school and are able to profit from the program are eligible.

(E) The attendance earned during one month agreed upon by the associate commissioner for *field support services* [regional, county, and district operational services] and the superintendent of the district to be representative of the year is used to determine allocations to the district.

(4) Foundation School Program salaries are determined as follows:

[(1) The Foundation School Program salary of the superintendent is the same as the salary set by legislation for the superintendents of special school districts as administered by the Texas Education Agency.]

(A)(2) The Foundation School Program salaries of [all other] personnel assigned to a Windham Unit *shall be equivalent to* [is] the actual salary schedule in effect in the independent school district where the *Windham* Unit is located. The commissioner of education may adjust personnel salaries in order that no personnel salary will exceed that of the Windham superintendent.

(B) *The superintendent and other personnel having district-wide responsibilities shall receive salaries equivalent to those in the actual salary schedule in*

effect in the district in which the administrative offices of the Windham Schools are located.

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783379 M. L. Brockett
Commissioner of Education

Proposed Date of Adoption: June 26, 1978
For further information, please call (512) 475-7077.

Salary Schedule 226.41.05

The Texas Education Agency proposes to amend Rule 226.41.05.010 concerning the public education compensation plan under the Foundation School Program. Required preparation and education for position descriptions above pay grade 3, which were previously set by law, have now been removed from law and made the responsibility of the State Board of Education. There are no significant differences between the proposed requirements in Rule 226.41.05.010 and those which were previously in law.

The Texas Education Agency anticipates that this proposed amendment to Rule 226.41.05.010 will have no state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.41.05.010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Sections 16.005 and 16.056, Texas Education Code.

.010. Salary Schedule.

(a) Policy. The allocation of Foundation School Program funds for salaries shall be based on the minimum salary schedule as required by law.

The position descriptions, required certification, and education standards for positions above Pay Grade 3 in the public education compensation plan are as follows:

Pay Grade: 4

Number months paid: 10

Class title: Teacher Trainee I

Description of positions assigned to class title:

Emergency permit. Teacher without degree, but with personal traits needed to function in the classroom. Teaches students under frequent supervisory check by principal, grade-level or department head.

Required preparation and education:

Normally no less than three years college.

Pay Grade: 5

Number months paid: 10

Class title: Teacher Trainee II

Description of positions assigned to class title:

Emergency permit. Teacher with college degree but deficiencies in education preparation in professional or academic background. Teaches students under fre-

quent supervisory check by principal, grade-level or department head.

Required preparation and education:

College degree but certain educational deficiencies.

Pay Grade: 5

Number months paid: 10

Class title: Certified Nondegree Teacher

Description of positions assigned to class title:

Teaches at grade level or in teaching field for which prepared under general supervision only.

Required preparation and education:

Fully certified as teacher, but no college degree.

Pay Grade: 7

Number of months paid: 10

Class title: Nurse

Description of positions assigned to class title:

School nurse

Required preparation and education:

R.N. with or without bachelor's degree.

Pay Grade: 7

Number of months paid: 10

Class title: Teacher

Description of positions assigned to class title:

Teaches at grade level or in teaching field for which prepared, under general supervision

Required preparation and education:

Bachelor's degree, no deficiency in professional education or in teaching field. Fully certified.

Pay Grade: 7

Number of months paid: 10, 11, 12

Class title: Vocational Teacher

Description of positions assigned to class title:

Teaches in approved vocational program, under general supervision.

Required preparation and education:

Bachelor's degree and/or certified in field.

Pay Grade: 7

Number of months paid: 10, 11, 12

Class title: Special Education Teacher

Description of positions assigned to class title:

Teaches in approved special education program, under general supervision.

Required preparation and education:

Bachelor's degree and certified in field.

Pay Grade: 7

Number of months paid: 10

Class title: Librarian I

Description of positions assigned to class title:

Supervises school library/learning resources center or functions as one of several librarians or learning resource specialists on a major campus.

Required preparation and education:

Bachelor's degree; certified.

Pay Grade: 7

Number of months paid: 10

Class title: Visiting Teacher I

Description of positions assigned to class title:

Works on personal, educational, family, and community problems with children, parents, school personnel, and community agencies, under general supervision.

Required preparation and education:
Bachelor's degree; certified.

Pay Grade: 7

Number of months paid: 10

Class title: Guidance Associate

Description of positions assigned to class title:

Works under one-to-one supervision of fully certified counselor.

Required preparation and education:
Bachelor's degree; certified.

Pay Grade: 8

Number of months paid: 10

Class title: Teacher

Description of positions assigned to class title:

Teaches at grade level or in teaching field for which prepared, under general supervision.

Required preparation and education:
Master's degree; fully certified.

Pay Grade: 8

Number of months paid: 10

Class title: Nurse

Description of positions assigned to class title:

School nurse

Required preparation and education:
R.N. and master's degree.

Pay Grade: 8

Number of months paid: 10, 11, 12

Class title: Vocational Teacher

Description of positions assigned to class title:

Teaches in approved vocational program, under general supervision.

Required preparation and education:
Master's degree; certified.

Pay Grade: 8

Number of months paid: 10, 11, 12

Class title: Special Education Teacher

Description of positions assigned to class title:

Teaches in approved special education program, under general supervision.

Required preparation and education:
Master's degree; certified.

Pay Grade: 8

Number of months paid: 10

Class title: Librarian II

Description of positions assigned to class title:

Supervises school library/learning resource center or functions as one of several librarians/learning resource specialists on a major campus.

Required preparation and education:
Master's degree; fully certified.

Pay Grade: 8

Number of months paid: 10

Class title: Physician

Description of positions assigned to class title:

Serves as school physician.

Required preparation and education:
M.D. degree.

Pay Grade: 9

Number of months paid: 10

Class title: Special Duty Teacher

Description of positions assigned to class title:

Teaches regular load at grade level or in teaching field for which prepared, under general supervision, and performs special duty as sponsor of major student program; directs after-hour recreation or "lighted library"; serves as team leader in team teaching; directs band or major music group; or serves as coach.

Required preparation and education:

Fully certified as teacher and special training for special duty assignment and holder of master's degree.

Pay Grade: 10

Number of months paid: 10

Class title: Visiting Teacher II

Description of positions assigned to class title:

Works on personal educational, family, and community problems with children, parents, school personnel, and community agencies.

Required preparation and education:
Master's degree; certified.

Pay Grade: 10

Number of months paid: 10, *11, *12

Class title: Counselor I, School Psychologist, Associate School Psychologist

Description of positions assigned to class title:

Provides guidance and counseling services to students.

Required preparation and education:
Fully certified.

Pay Grade: 10

Number of months paid: 10, *11, *12

Class title: Education Diagnostician

Description of positions assigned to class title:

Provides educational diagnostic services and individual educational plan development.

Required preparation and education:
Fully certified.

Pay Grade: 10

Number of months paid: 10, *11, *12

Class title: Supervisor I

Description of positions assigned to class title:

Provides consultant services to teachers in a grade level or adjacent grades or in a teaching field or group of related fields.

Required preparation and education:
Fully certified.**

Pay Grade: 10

Number of months paid: 10

Class title: Part-Time Principal

Description of positions assigned to class title:

Serves as part-time principal on campus with 11 or fewer teachers.

Required preparation and education:
Certified as administrator.

Pay Grade: 10

Number of months paid: 10

Class title: Administrative Officer I

Description of positions assigned to class title:

Serves as principal functional assistant to superintendent or higher grade administrative officer.

Required preparation and education:
Major or minor in assignment.

Pay Grade: 10

Number of months paid: 10

Class title: Instructional Officer/Administrative Officer I

Description of positions assigned to class title:

Serves under the superintendent or higher grade instructional/administrative officer as key specialist for major instructional program.

Required preparation and education:

Fully certified** administrator or supervisor.

Pay Grade: 11

Number of months paid: 10

Class title: Assistant Principal

Description of positions assigned to class title:

Serves as assistant principal on campus with 20 or more teachers.

Required preparation and education:

Certified as administrator or (Assistant Principal, 1972 prog.)

Pay Grade: 11

Number of months paid: 10

Class title: Administrative Officer II

Description of positions assigned to class title:

Serves as assistant to superintendent or higher grade administrative officer.

Required preparation and education:

Same as Administrative Officer I plus experience in function.

Pay Grade: 11

Number of months paid: 10

Class title: Instructional/Administrative Officer II

Description of positions assigned to class title:

Serves under the superintendent or higher grade instructional/administrative officer as key specialist for major instructional program.

Required preparation and education:

Fully certified** as administrator or supervisor.

Pay Grade: 12

Number of months paid: 11

Class title: Principal

Description of positions assigned to class title:

Serves as full-time principal on campus with 19 or fewer teachers.

Required preparation and education:

Fully certified as administrator.

Pay Grade: 12

Number of months paid: 11

Class title: Instructional Officer/Administrative Officer III

Description of positions assigned to class title:

Serves under the superintendent or higher grade instructional/administrative officer as key specialist for major instructional program.

Required preparation and education:

Fully certified** as administrator or supervisor.

Pay Grade: 12

Number of months paid: 10

Class title: Administrative Officer III

Description of positions assigned to class title:

Directs major administrative activity, under supervision of superintendent or higher grade administrative officer.

Required preparation and education:

Same as Administrative Officer I plus minimum two years' related experience.

Pay Grade: 13

Number of months paid: 11

Class title: Principal

Description of positions assigned to class title:

Serves as full-time principal on campus with 20-49 teachers.

Required preparation and education:

Fully certified as administrator.

Pay Grade: 13

Number of months paid: 11

Class title: Instructional Officer IV/Administrative Officer

Description of positions assigned to class title:

Serves under superintendent or higher grade instructional/administrative officer as key specialist for major instructional program.

Required preparation and education:

Fully certified** as administrator or supervisor.

Pay Grade: 13

Number of months paid: 12

Class title: Administrative Officer IV

Description of positions assigned to class title:

Serves as assistant to superintendent or higher grade administrative officer.

Required preparation and education:

Same as Administrative Officer I plus three years experience in function.

Pay Grade: 14

Number of months paid: 11

Class title: Principal

Description of positions assigned to class title:

Serves as full-time principal on campus with 50-99 teachers.

Required preparation and education:

Fully certified as administrator.

Pay Grade: 14

Number of months paid: 12

Class title: Principal

Description of positions assigned to class title:

Serves as full-time principal on campus with 100 or more teachers.

Required preparation and education:

Fully certified as administrator.

Pay Grade: 14

Number of months paid: 12

Class title: Superintendent

Description of positions assigned to class title:

Serves as superintendent of system of 400 ADA or less.

Required preparation and education:

Fully certified as administrator.

Pay Grade: 14

Number of months paid: 12

Class title: Instructional/Administrative Officer V

Description of positions assigned to class title:

Serves under the superintendent or higher grade instructional officer to direct major instructional function.

Required preparation and education:

*Fully certified** as administrator or supervisor.*

Pay Grade: 14

Number of months paid: 12

Class title: Administrative Officer V

Description of positions assigned to class title:

Serves under superintendent or higher grade administrative officer in administrative capacity in personnel, business, accounting, planning, research, etc.

Required preparation and education:

Same as Administrative Officer I plus five years' related experience.

Pay Grade: 15

Number of months paid: 12

Class title: Superintendent

Description of positions assigned to class title:

Serves as superintendent in system of 401-3,000 ADA.

Required preparation and education:

Fully certified as superintendent.

Pay Grade: 15

Number of months paid: 12

Class title: Instructional/Administrative Officer VI

Description of positions assigned to class title:

Serves under superintendent or higher grade instructional administrative officer as high level director for major program.

Required preparation and education:

Fully certified as administrator or supervisor.

Pay Grade: 15

Number of months paid: 12

Class title: Administrative Officer VI

Description of positions assigned to class title:

Serves under superintendent or higher grade administrative officer in administrative capacity in personnel, business accounting, planning, research, etc.

Required preparation and education:

Same as Administrative Officer I plus five years related experience.

Pay Grade: 16

Number of months paid: 12

Class title: Superintendent

Description of positions assigned to class title:

Serves as superintendent in system of 3001-12,500.

Required preparation and education:

Fully certified as superintendent.

Pay Grade: 16

Number of months paid: 12

Class title: Instructional/Administrative Officer VII

Description of positions assigned to class title:

Serves under superintendent or higher grade instructional/administrative officer coordinating group of major functions.

Required preparation and education:

*Fully certified** as administrator or supervisor.*

Pay Grade: 16

Number of months paid: 12

Class title: Administrative Officer VII

Description of positions assigned to class title:

Serves under superintendent or higher grade administrative officer in administrative capacity coordinating group of major functions in personnel, business, accounting, planning research, etc.

Required preparation and education:

Same as Administrative Officer I plus five years' related experience.

Pay Grade: 17

Number of months paid: 12

Class title: Superintendent

Description of positions assigned to class title:

Serves as superintendent in system of 12,501-50,000 ADA.

Required preparation and education:

Fully certified as superintendent.

Pay Grade: 17

Number of months paid: 12

Class title: Instructional/Administrative Officer VIII

Description of positions assigned to class title:

Serves as coordinator of instructional functions under the supervision of the superintendent.

Required preparation and education:

*Fully certified** as administrator or supervisor.*

Pay Grade: 17

Number of months paid: 12

Class title: Administrative Officer VIII

Description of positions assigned to class title:

Serves under the superintendent in administrative capacity coordinating group of major functions in personnel business, accounting, planning, research, etc.

Required preparation and education:

Same as Administrative Officer I plus seven years' related experience.

Pay Grade: 18

Number of months paid: 12

Class title: Superintendent

Description of positions assigned to class title:

Serves as superintendent in system of more than 50,000 ADA.

Required preparation and education:

Fully certified as superintendent.

**Special education and vocational education as approved.*

***Special education—fully certified with special education endorsement or certificate; vocational education—certified as vocational supervisor.*

(b) Administrative procedure. A current salary schedule, with regulations approved by the State Board of Education, is published by the Texas Education Agency in the State of Texas Annual Public Education Compensation Plan.

This plan shall show the positions, pay grades, titles, and number of annual contract months authorized by law for each position under the Texas Public Education Compensation Plan as well as new positions or months of service which have been added by the commissioner of education, with the approval of the State Board of Education.

All personnel assigned to Pay Grades 4 and above must be certified according to the certification requirement and/or standards for each position as established by the Central Education Agency. For the 1977-78 school year, the same requirements established by law for the 1976-77 school year will apply to personnel assigned to positions in Pay Grades 4 and above. Any new requirements and standards for these positions will become effective with the 1978-79 school year.

The job classification "administrative officer" is to be used only for those positions not requiring certification. Noncertified administrative officers are to be assigned functions which do not involve supervising or controlling curriculum or professional personnel whose assignments require certification. Personnel assignments such as tax assessors, business managers, directors of transportation, maintenance and grounds, personnel, are considered to be strictly administrative.

Those personnel assigned to positions in 1975-76 under the "grand-person" clause will continue to be safeguarded except for those personnel who were assigned to positions deleted from or modified by Senate Bill 1 (65th Session). Those administrative officers placed in pay grade 10 in 1975-76 may be moved to higher pay grades designated for administrative officers without losing their safeguarded status under the grand-person clause. All newly assigned personnel must meet the current requirements for the positions they hold.

Personnel continuing in the same job assignment who have been reclassified into a higher pay grade by law shall move into that pay grade on that step occupied by persons with equivalent years of experience which is acceptable for salary increment purposes.

Districts have the authority to establish job requirements and standards for pay grades 1, 2, and 3. Complete job descriptions should be designed and written for all positions falling into these pay grades. The only position currently authorized for a "part-time" principal is in pay grade 10 on campuses with 11 or fewer classroom teachers. Full-time principals (11 months) may be assigned to all campuses. An assistant principal (pay grade 11, 10 months) may be assigned only to a campus of 20 or more teachers to assist a full-time principal who has been assigned to the same campus.

Persons who were serving as "part-time" principals in 1970-71 and have continued in that assignment on the same campus since that time may continue as "part-time" principals on a 10-month basis on any campus regardless of size. All persons who were first assigned after 1970-71 as "part-time" principals on campuses with more than 11 teachers and who wish to continue to serve as full-time principals must hold an Administrator's Certificate or must have been granted a temporary Administrator Certificate (Rule 226.32.03.020, Section (d-h-c)).

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783345 M. L. Brockette
Commissioner of Education

Proposed Date of Adoption: July 8, 1978

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

Requirements for Program Participation 226.41.20

The Texas Education Agency proposes to amend Rule 226.41.20.030 concerning minimum staffing patterns for school districts. Districts are required by Section 16.102(k), Texas Education Code, to assign to kindergarten or grade one at least 95 percent of personnel units earned by attendance in kindergarten or grade one, and at least 80 percent of personnel units earned by grades two and three to those grades. The proposed amendment to the rule would require districts to keep on file a record of computations showing compliance with Section 16.102(k), Texas Education Code.

The Texas Education Agency anticipates that the proposed amendment to Rule 226.41.20.030 will not have state or local fiscal implications.

Public comment on the proposed amendment to Rule 226.41.20.030 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This amendment is proposed under the authority of Sections 16.005, 16.054, 16.102(f), and 16.102(k), Texas Education Code.

.030. Minimum Staffing Patterns.

(a) Policy. The commissioner of education, with the approval of the State Board of Education shall establish minimum standards for staffing patterns for all personnel.

(b) Administrative procedure. Each school district, independent or common, must have a chief administrative officer. A district with fewer than 12 grades must have a *part-time principal, Pay Grade 10 (10 months)*, an Instructional/Administrative Officer I, Pay Grade 10 (10 months), or an Instructional/Administrative Officer II, Pay|Page| Grade 11 (10 months), certified as an administrator. *At least 95 percent of the personnel units, excluding fractional units, earned by a school district as a result of student attendance in kindergarten and grade one shall be used to employ personnel assigned teaching duties in kindergarten or grade one. At least 80 percent of the personnel units, excluding fractional units, earned by a school district as a result of student attendance in grades two and three shall be used to employ personnel assigned teaching duties in grade two or three. Regular teachers assigned to classroom teaching duties, special area teachers, educational aides, and librarians assigned to these grades shall be included in these calculations. Administrative and clerical personnel, such as principals, counselors, and clerical aides, shall not be included in the computation.*

Instructions for computing the number of personnel units to be assigned to each grade span shall be provided by the Texas Education Agency. A record of these computations shall be kept on file with the provisions of Section 16.102(k), Texas Education Code, and for record audit purposes. These computations should be filed with the district's pupil attendance accounting records.

When applying the 95 percent and 80 percent requirements for personnel assignments in grades kindergarten-three, the requirement will be applied to each grade span. The district will maintain on record the percentage of service split personnel serve in each grade span. For example, if a librarian services grades kindergarten-three, the district will estimate and record the percentage of effort the personnel assigned to the library contributed to each of the four grades (kindergarten-three).

ADA of pupils receiving more than 50 percent of their instruction from teachers paid from federal or state compensatory funds will be subtracted from the ADA for grades kindergarten-three before the 95 percent and 80 percent requirements for personnel unit assignments are applied. The

commissioner of education may make a limited waiver of these staffing requirements for a period not to exceed two years for school districts that demonstrate an inability to assign personnel as required because of a lack of classroom space. Districts not able to comply with these requirements because of a lack of classroom space should request in writing a temporary waiver from the commissioner of education.

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783346

M. L. Brockette
Commissioner of Education

Proposed Date of Adoption: June 26, 1978

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

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.

State Banking Board

Procedure for Hearings

Pleadings and Applications 055.03.02.002

The State Banking Board has withdrawn from consideration the proposed Rule 055.03.02.002 as published in the February 7, 1978, issue of the *Texas Register* (3 TexReg 463).

Doc. No. 783358

055.03.02.009

Under the authority of Chapter I, Article 15, of the Texas Banking Code, the State Banking Board has amended Rule 055.03.02.009 to read as follows:

.009. Consolidated Hearings. If an application for charter is officially filed within 14 days after a pending application for charter has been officially filed, for a location which, in the opinion of the commissioner, is for the same community as the pending application, such applications shall be deemed to have been filed simultaneously and shall be heard in one hearing to be held upon the date set for the pending application, none having advantage over another because of time of filing. Notice of the consolidated hearing will be sent to all applicants or their attorneys of record.

Issued in Austin, Texas, on May 18, 1978.

Doc. No. 783359 Robert E. Stewart
Banking Commissioner

Effective Date: June 8, 1978

For further information, please call (512) 475-4451.

Texas Education Agency Responsibilities Outside the Public School System

Guidelines and Minimum Standards for Operation of Texas Proprietary Schools 226.25.90

The Texas Education Agency has amended Rule 226.25.90.020, which concerns general guidelines for proprietary schools. The amendment concerns schools with multiple locations and provides that, unless certain exceptions are met, a proprietary school must obtain a Certificate of Approval for each location where a course or courses of instruction will be offered.

Public review and discussion of the proposed change were held. The rule is adopted with two changes from the text proposed. The words "within walking distance of the main campus" have been deleted from exception (4). A "grandfather" provision has been added for schools which hold a Certificate of Approval on the effective date of the rule, provided that their facilities were approved as part of the school's certificate application.

This amendment is promulgated under the authority of Section 32.22, Texas Education Code.

.020. Guidelines in General. The Texas Education Agency will evaluate each school according to the standards of practice as set forth herein. The complete picture presented by the entire educational, promotional, and ethical structure of the school will receive consideration in its evaluation. The quality of educational programs offered by each school will be judged in terms of the announced policies as set forth in the bulletins, school literature, and application for Certificate of Approval.

Every effort will be made to evaluate fairly and impartially each school application for approval and each representative permit to solicit students in Texas for the purpose of selling courses of instruction. The Texas Education Agency will endeavor to provide an effective and constructive application of the law and standards of practice adopted for regulating proprietary schools.

A proprietary school must obtain a Certificate of Approval for each location where a course or courses of instruction will be offered, unless the school meets one of the following exceptions:

- (1) schools which offer short-term courses not to exceed 200 hours at locations other than their main campuses provided there is a 90-day interval between course offerings;
- (2) schools which offer review courses, the purpose of which is to assist students in reviewing for required examinations for licensing or for entering academic institutions and reading improvement schools;
- (3) itinerant schools which do not hold classes in more than one location at a time;
- (4) schools which acquire additional classroom facilities because of space limitations.

Schools which hold a Certificate of Approval on the date this guideline becomes effective will not be required to apply for

an additional certificate for any facilities in which they are conducting continuous courses of instruction, provided that those facilities were approved as a part of the school's application for its Certificate of Approval. The Texas Education Agency will assist all schools and their directors under its jurisdiction, whenever possible, in complying with the provisions of the law and standards of practice. Inquiries or requests for information should be directed to the Division of Proprietary Schools and Veterans Education, Texas Education Agency, Austin, Texas 78701.

Issued in Austin, Texas, on May 17, 1978.

Doc. No. 783342 M. L. Brockette
Commissioner of Education

Effective Date: June 7, 1978

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

Adaptations for Special Populations

Adoptions by Reference: State Plans 226.35.91

The Texas Education Agency has amended Rule 226.35.91.010, adopting by reference *The Texas Annual Program Plan for Adult Education*. The plan has been revised for fiscal year 1979. Changes in the plan include a revision and restatement of the list of priority areas for adult education as well as a revision of several specific objectives (Part 3.4). The amended rule deletes references to guidelines published in the *Federal Register*.

Public review and discussion and a public hearing on the proposed plan were held. Rule 226.35.91.010 is adopted with no change from the text proposed.

This amendment is adopted under the authority of Public Law 91-230 as amended.

.010. *The State of Texas Annual Program Plan for Adult Education Programs*. The rules for adult education are described in *The State of Texas Annual Program Plan for Adult Education Programs* as amended May, 1978, which is adopted by this reference as the Texas Education Agency's official rule. This plan was developed as a requirement under Public Law 91-230 as amended by Public Law 91-600, 92-318, 93-29, 93-380, and 94-23. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on May 18, 1978.

Doc. No. 783378 M. L. Brockette
Commissioner of Education

Effective Date: June 8, 1978

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

Texas Department of Human Resources

Early and Periodic Screening, Diagnosis, and Treatment

Medical Phase 326.39.31

The Texas Department of Human Resources adopts its rule about the release of medical information in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program as proposed in the March 10, 1978, issue of the *Texas Register* (3 TexReg 814-815). Rule 326.39.31.011 states that the Authorization to Release Medical Information form must be signed and dated by a Department of Human Resources worker and the parent, legal guardian, or conservator of a child in order to release medical information.

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

Rule 326.39.31.011 is adopted under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.011. Authorization.

(a) The parent or other responsible person must sign for the child or eligible individual under 21 years of age unless the minor has had his or her disabilities of minority removed by a court or is or has been legally married.

(b) The person who has custody of a child signs the Authorization to Release Medical Information form if the child is not living with or under the conservatorship of the parents or other responsible person.

(c) The parent or legal guardian or conservator of the child must sign or make his mark (X) giving permission for release of medical information.

(d) The DHR worker who witnesses the above signature signs the form.

(e) The DHR worker will enter the date each signature is affixed. The date of the DHR employee's signature must be the same as the date of the signatures of the parents.

Doc. No. 783386

Medical Diagnosis and Treatment 326.39.32

The Department of Human Resources adopts its rule about medical diagnosis and treatment in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program as proposed in the March 10, 1978, issue of the *Texas Register* (3 TexReg 815). Rule 326.39.32.005 requires that a medical history of the recipient be obtained. No comments were received; therefore, the rule is adopted without changes to the proposed text.

During the comment period, it was determined that the proposed requirements outlined in proposed Rule 326.39.32.006 (measurements of height, weight, blood pressure, and temperature) were inappropriate in this context. Therefore, this rule, which was also published in the March 10 issue of the *Texas Register*, is being withdrawn.

Rule 326.39.32.005 is adopted under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, with the approval of the Texas Board of Human Resources.

.005. History.

(a) Medical history data must be obtained by the R.N., or L.V.N. if possible, and recorded on the individual's Report of Medical History and Examination form since pertinent information in the history may be a reason for referral.

(b) The family history should include mother, father, and siblings.

(c) Assess the child's immunization status and whether or not he is in need of booster shots. When it is available, the child's immunization record should be brought to the screening center.

Issued in Austin, Texas, on May 19, 1978.

Doc. No. 783387- Jerome Chapman
783388 Commissioner
Texas Department of Human Resources

Effective Date: June 9, 1978

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

24-Hour Care Licensing 326.91

The Texas Department of Human Resources has withdrawn from consideration the following proposed rules as published in the June 17, 1977, issue of the *Texas Register*:

326.91.05.002, Halfway Houses—Governing Body Responsibility (2 TexReg 2399-2400)

326.91.06.002, Institutions Serving Mentally Retarded Children—Governing Body Responsibilities (2 TexReg 2400)

326.91.08.002, Therapeutic Camps—Governing Body Responsibilities (2 TexReg 2400-2401)

326.91.09.002, Residential Treatment Centers—Program Review (2 TexReg 2401).

Doc. Nos. 783389-783392

Texas Department of Water Resources

Private Sewage Facilities

Lake Limestone 157.31.25

The Texas Water Commission and the Texas Water Development Board, on behalf of the Texas Department of Water Resources, have adopted Rules 157.31.25.001-.015, concerning the establishment of a regulated area around Lake Limestone; promulgating rules and regulations for the control of sewage within the area which is not disposed of in organized disposal systems; providing for licensing of private sewage facilities; and designating the Brazos River Authority to perform the licensing, regulation, and enforcement functions related to the rules and regulations set forth herein.

A public hearing was held on March 9, 1978, in Groesbeck, Texas, in order to receive testimony and evidence which were relevant and material to the adoption of this private sewage facility regulation.

The rules, as adopted, will have no known fiscal implications. Any costs to state and local governments for implementation will be financed by license fees provided in these rules.

Comments regarding these private sewage facility regulations were invited, with all comments or inquiries directed to John P. Sutton, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

These adopted rules, as well as any comments received, will be presented to the Texas Water Commission and the Texas Water Development Board for adoption no less than 30 days after publication.

Copies of these adopted rules may be examined in or obtained from offices of the Texas Water Commission. Copies may also be examined in the office of the county judges of Limestone, Leon, and Robertson Counties; the Brazos River Authority; and, the secretary of state, Texas Register Division

Lake Limestone is located on the Navasota River in Limestone, Robertson, and Leon Counties. The lake is to be utilized for water conservation, water supply, and recreation, both contact and noncontact. Among the potential sources of water pollution which must be controlled in order to maintain high standards of water quality is the disposal of sewage from individual dwellings, motels, marinas, and other such developments surrounding the lake. Sewage discharged into organized waste collection, treatment, and disposal systems is regulated through the permit system of the department. This regulation and control is needed to protect the quality of the waters of Lake Limestone.

These rules are promulgated under the authority of Section 26.031 of the Texas Water Code.

.001. Definitions.

- (a) "Authority" means the Brazos River Authority.
- (b) "Commission" means the Texas Water Commission.
- (c) "Evapotranspiration system" means any subsurface system which utilizes surface evaporation and plant transpiration for the ultimate disposal of wastewater.
- (d) "Evapotranspiration beds" are that part of a septic tank system consisting of two or more beds with drainage pipes that utilize evaporation and transpiration for the disposal of septic tank effluent.
- (e) "Executive director" means the executive director of the Texas Department of Water Resources.
- (f) "Holding tank system" means a system for collecting and holding sewage and consisting of a holding tank and house sewer.
- (g) "Holding tank" means a vented, watertight tank used for storing sewage until it is hauled to a final disposal site.
- (h) "House sewer" means the lines which carry sewage from the house plumbing system to a septic tank.
- (i) "Msl" is the abbreviation for mean sea level.
- (j) "Organized disposal system" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Commission.
- (k) "Lake Limestone" means the lake located in Limestone, Robertson, and Leon Counties, created by the Sterling C. Robertson Dam on the Navasota River.
- (l) "Private sewage facilities" means facilities provided to serve only an individual household or establishment and

appurtenant structures within a designated area and whose operation and maintenance is the sole responsibility of the householder or owner of the establishment's facilities. Such facilities provide for the disposal of treated wastewater by subsoil absorption, evaporation, or evapotranspiration and are not subject to the issuance of waste discharge permits by the Texas Department of Water Resources.

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

(n) "Septic tank system" means a system for disposing of sewage utilizing the following components: the house sewer, the septic tank, and the soil absorption system, evaporation, or evapotranspiration system.

(o) "Sewage" means water-borne human wastes and other domestic wastewater.

(p) "Soil absorption system" means any system that utilizes the soil for subsequent absorption of the treated sewage, such as an absorption trench or absorption bed.

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

.002. Regulated Area. The commission designates the Lake Limestone regulated area as all the area in the Lake Limestone watershed bounded by a line parallel to and 2,000 feet from the lake shoreline, *i.e.*, the 363-foot msl contour line. If any part of a subdivision lies within the regulated area, the entire subdivision is included within the regulated area for purposes of this subchapter.

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

(a) Sewage discharged into an organized disposal system operating under a valid permit issued by the commission.

(b) Sewage discharged into a private sewage facility licensed by the authority in accordance with the regulations contained in this subchapter.

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

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

(a) The Brazos River Authority is designated by the commission to perform all the functions necessary to meet the licensing requirements of this subchapter.

(1) The authority shall have the following powers:

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

(B) to make inspections of all private sewage facilities located or to be located within the regulated area;

(C) to collect all fees set by the authority and approved by the Texas Water Development Board as necessary to recover all costs incurred in meeting the requirements of this subchapter;

(D) to establish procedures, prepare application forms, etc., as necessary to administer this program and to

issue, renew, cancel, or transfer licenses, in accordance with the provisions of this subchapter.

(2) The authority shall have the following responsibilities:

(A) to make annual reports to the executive director on all actions taken concerning this subchapter;

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

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

.005. Licensing Requirements for New Private Sewage Facilities.

(a) Private sewage facilities installed or substantially altered to be located in the regulated area after the effective date of this subchapter must meet the following requirements:

(1) All private sewage facilities to be installed or constructed after the effective date of this subchapter shall be built in accordance with the latest standards and criteria established by the Texas Department of Health.

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

(3) Lots or tracts which will be served by private sewage facilities and which are located in a subdivision that is created subsequent to the effective date of this subchapter must average no less than one-half acre in size, considering all lot sizes in the particular subdivision, with the minimum size being 15,000 square feet for lots served by a public water supply and 20,000 square feet for lots served by individual water supply wells.

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

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

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

(1) A plat of the proposed subdivision must be filed with and approved by the county commissioners courts having jurisdiction in the area and recorded with the appropriate county clerks.

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

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

(4) Advice by the authority as to types of private sewage facilities that may be suitable for use in the subdivision shall not constitute a license for a specific private sewage facility but shall be a prerequisite for obtaining

licenses for such facilities within the subdivision. Each private sewage facility installed within the subdivision must be licensed individually in accordance with the terms of this subchapter.

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

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

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

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

(3) Upon a finding that the proposed private sewage facility can meet the requirements of this subchapter and that there is no evidence that it will cause nuisance conditions, pollution, or a threat to public health, the authority will issue an authorization to proceed with its construction.

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

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

(e) Upon a finding by the authority that a license for the new private sewage facility cannot be issued or renewed under the terms of this subchapter, the applicant shall be notified in writing of that finding and of the faults which prevent licensing.

.006. Existing Private Sewage Facilities.

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

(b) Any private sewage facility existing within the regulated area as of the effective date of this subchapter, but not registered in accordance with Rule .006(a) above, must be licensed in the same manner as required for new facilities. In addition, any registered facility found by the authority at any time to be functioning improperly or not in accordance with

the Texas Department of Health standards or in such a manner as to cause nuisance conditions, pollution, or a threat to public health must, therefore, be improved or replaced by the owner, and must be licensed as a new facility following the procedures prescribed in Rule .005(c) above. The owner of such malfunctioning facility must submit an application for a license within 30 days after receipt of written notification by the authority that the existing facility is functioning improperly. If an owner of a registered facility desires on his own initiative to expand, improve, or replace such registered facility, he must obtain a license for such expanded, improved, or replacement facility following the procedures prescribed in Rule .005(c), above. Routine maintenance and repair of registered facilities may be accomplished without obtaining a license.

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

.008. Transfer of Licenses. Any license issued under the authority of this subchapter shall be transferred to any succeeding owner of the private sewage facility upon application and payment of a transfer fee by the new owner. The authority may inspect the facility, and provided there is not significant change in amount or quality of waste to be placed in the private sewage facility and no evidence of malfunction of the facility, shall transfer the license as requested and renew it for a five-year period. Licenses not properly transferred within 90 days to a new owner may be cancelled by the authority. If the license is cancelled, the new owner must submit an application for a new license within 30 days after notification by the authority of cancellation.

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

(a) No private sewage facility will be licensed by the authority when any part of the facility is closer than 300 feet in horizontal distance to an organized waste collection, treatment, and disposal system; but instead, the house sewer to such facility shall be connected to the organized system, unless it is determined by the authority that connection to the organized system is legally, physically, or economically infeasible.

(b) Whenever an organized disposal system is developed to within 300 feet in horizontal distance from any part of an existing private sewage facility, the house sewer connected to such facility shall be connected to the organized system and the license issued hereunder for that private sewage facility shall not be renewed on the next succeeding renewal date, unless it is determined by the authority that such connection is legally, physically, or economically infeasible.

.010. Exceptions. The commission intends that the regulations contained in this subchapter shall be enforced,

but realizes that certain individual situations may require the granting of an exception to the requirements of this subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established:

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

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

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

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

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

.012. *License Fees.* License fees will be in accordance with Rule .015 of this subchapter. These fees shall be paid to and collected by the authority so long as the authority is delegated the licensing function and the administration of the licensing system specified in this subchapter. The establishment of the fee schedule does not impair or prohibit the imposition of reasonable charges by the authority for special services performed by it at the request of the applicant in connection with presentation of an application and the required data. Percolation tests and other examinations will be performed by the authority on a fee basis. These tests may also be performed by engineering firms or soil testing laboratories approved by the authority.

.013. *Enforcement of this Subchapter.*

(a) Criminal penalty (Section 26.214, Texas Water Code).

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

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

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

(b) Civil penalty. A person who violates any provision of this subchapter is subject to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in Chapter 26 of the Texas Water Code.

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

.015. *Fee Schedule.* The following represents the approved fee schedule for the private sewage facilities regulatory program around Lake Limestone:

Processing application, making field inspections, and analyzing percolation tests for evaluation of subdivision for septic tank use (does not include cost of making percolation tests)	\$50
Processing application, evaluating percolation tests, and reviewing plans for proposed new private sewage facility (does not include costs of making percolation tests or field inspections)	\$20
Processing application and making inspection, as necessary, for transfer of license or for renewal (every five years) of license	\$25
Field inspection of new facility during construction (if more than two visits to the site are required for inspection purposes, there will be an additional charge of \$20 for each additional visit)	\$30
Making percolation tests. Per set	\$25

or

If authority has tests made by engineering firm—engineering firm's charge.

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

Issued in Austin, Texas, on May 15, 1978.

Doc. No. 783333 Mary Ann Hefner
 Chief Clerk
 Texas Water Commission

Effective Date: June 7, 1978

For further information, please call (512) 475-1311.

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*.

Texas Supreme Court City of Corpus Christi v. Public Utility Commission

Under Article 1446c, Section 23, Revised Civil Statutes (Public Utility Regulatory Act), a city served by an integrated utility (which serves other cities, as well) must require the utility to furnish certain information for determining appropriate rates, but the burden of making a determination of rate base, expenses, investment, and rate of return within a particular city's boundaries is on the city. This is the logical implication of Section 23 and is supported by the act as whole and by Sections 24 and 29. The act requires that cities make a reasonable determination of the allocation of rate base, etc., within their boundaries and provides that cities may consider a utility's revenues and returns in nonexempt areas. The Public Utility Commission (PUC), in exercise of its appellate jurisdiction, is to set rates a city should have fixed, and, on this appeal from the cities' denials of rate increase requests, PUC properly considered "system-wide" data.

The PUC "finding of fact" that a utility "should be allowed to collect from rate payers in each city a surcharge for the cost of rate expense paid to third parties by it" in cities, provided each city determines reasonable cost, finalizes it by ordinance, and provides for its collection, restricts the method by which a utility may pass along cost to ratepayers, rather than restricting the cities' right to recover costs of ratemaking proceedings from the utility. The finding is not mandatory by its language and is not included or referred to in the part of the final order setting forth the PUC decree. The question whether PUC may properly condition a city's recovery of costs under Article 1446c, Section 24, Revised Civil Statutes, on the enactment of a surcharge ordinance is not properly before the supreme court.

After a PUC interim order setting rates, the cities filed suit in district court to enjoin enforcement of that interim order. The district court granted a temporary injunction, and the utility appealed to the court of civil appeals. The court of civil appeals vacated the injunction, and the cities filed a direct appeal in supreme court. One ground asserted in this direct appeal from the final order was the same ground regarding the invalidity of the interim order that was asserted in appeals from the district court and the court of civil appeals on the temporary injunction.

Held: The supreme court has jurisdiction in a direct appeal of point of error asserting the invalidity of the interim order. Although Rule 499a requires the appellant to choose between appeal to the court of civil appeals and direct appeal to the

supreme court, the cities here did not exercise the election to pursue appeal to the court of civil appeals on the interim order; it was the utility, which was the appellant in the court of civil appeals, which did so. The cities merely properly asserted the ground of invalidity as a defense in the court of civil appeals. Also, the supreme court has jurisdiction of the ground under the "extended jurisdiction" doctrine because it has direct appeal jurisdiction of other of the cities' points of error. Because the interim order has been terminated by final order, however, the supreme court cannot grant relief from the interim order and the cities' attack on its validity is moot. (15 TLWD 20, at 1)

Filed: May 17, 1978, Austin
Doc. No. 3C39

3rd Court of Civil Appeals Wilson v. Grievance Committee

The State Bar Grievance Committee (GC) filed a formal complaint against attorney FW in the district court of Jefferson County, seeking FW's disbarment. FW claimed the GC had no authority to prosecute a suit because the State Bar had not complied with the Administrative Procedure and Texas Register Act (APA). FW then filed suit for a declaratory judgment in Travis County, seeking a declaration that the APA applies to the State Bar, and the trial court declared that disciplinary proceedings against an attorney are not subject to the APA.

Held: Judgment vacated. Rather than pursuing the contention as a defense in Jefferson County, FW sought the advice of the district court in Travis County. The judgment of the Travis County district court was advisory, and Texas courts cannot enter advisory opinions. (15 TLWD 20, at 6)

Filed: April 19, 1978, Austin
Doc. No. 3C41

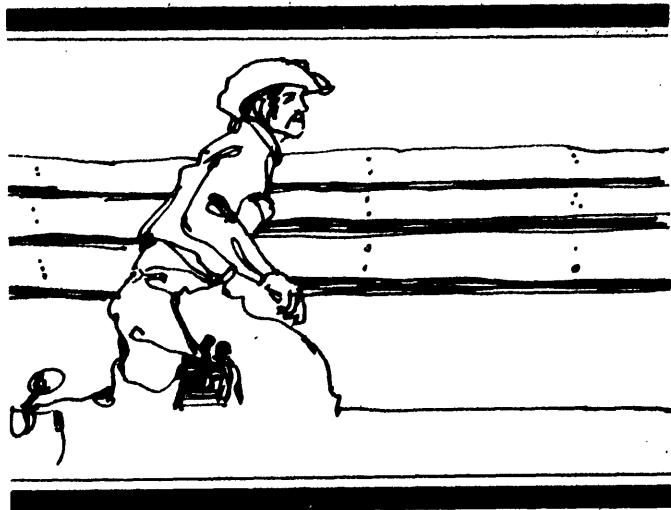
11th Court of Civil Appeals Houston Mobilfone, Inc. v. Public Utility Commission

A motion for rehearing before an administrative agency is deemed to be overruled if not acted on within the 45-day period provided in Article 6252-13a, Section 16(e), Revised Civil Statutes (Administrative Procedure and Texas Register Act (APTRA)). An agency cannot thereafter extend the time for filing a petition for review under Section 19(b) of the APTRA. Since the appellant filed its petition for review 35 days after the cause became final and appealable, the cause must be dismissed. The time limits of the APTRA are mandatory. (15 TLWD 20, at 4)

Filed: April 6, 1978, Eastland
Doc. No. 3C40

1852 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*.



State Board of Barber Examiners

Monday, June 5, 1978, 8 a.m. The State Board of Barber Examiners will meet in Suite 111, Building H, 5555 North Lamar, Austin. The agenda will include: interviews with out-of-state state barbers; letters and calls needing action by board members; conferences with owners of proposed new barber schools; discussion of new form for student progress reports; and executive meeting.

Additional information may be obtained from Charles F. Blackburn, Suite 111, Building H, Austin, Texas 78751, telephone (512) 458-2241.

Filed: May 19, 1978, 11:07 a.m.
Doc. No. 783383

Monday, June 5, 1978, 1:30 p.m. The State Board of Barber Examiners will meet in Suite 111, Building H, 5555 North Lamar, Austin, to conduct a hearing on the complaint against D'Lynn Barber College, as summarized.

Additional information may be obtained from Charles F. Blackburn, Suite 111, Building H, Austin, Texas 78751, telephone (512) 458-2241.

Filed: May 19, 1978, 11:11 a.m.
Doc. No. 783384

Texas Civil Air Patrol Commission

Wednesday, June 14, 1978, 1:30 p.m. The Texas Civil Air Patrol Commission will meet at 5805 North Lamar Boulevard, Austin, to consider the following items, as summarized: election of officers; budget considerations; and review of 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 19, 1978, 11:21 a.m.
Doc. No. 783385

State Board of Control

Friday, June 2, 1978, 10 a.m. The State Board of Control will meet in Room 916, Lyndon B. Johnson Building, 111 East 17th Street, Austin. As summarized, the agenda will include: review of proposed budget submission for fiscal years 1980 and 1981; authority to negotiate the purchase of rare books and literary collections; informational items on contract awarded for mechanical interconnection between Stephen F. Austin and Lyndon B. Johnson Buildings, annual report of progress under the Small Business Assistance Act of 1975, and American Public Works Association (APWA) request regarding joint committee special report on "Administration of State Capital Improvement Programs"; and Board of Control monthly reports.

Additional information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, telephone (512) 475-2211.

Filed: May 22, 1978, 10:06 a.m.
Doc. No. 783415

Texas State Board of Dental Examiners

Wednesday, May 24, 1978, and Thursday, May 25, 9 a.m. The Texas State Board of Dental Examiners cancelled a meeting scheduled to be held in the board hearing room, Houston Oaks Hotel, Houston.

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

Filed: May 22, 1978, 9:21 a.m.
Doc. No. 783409

Wednesday, June 21, 1978, 1 p.m. The Texas State Board of Dental Examiners will meet at the Marriott Hotel, Stemmons Freeway, Dallas. The agenda will include: consideration of the adoption of or amendments to the rules and regulations pertaining to dentists and all persons or businesses under its jurisdiction; scheduled disciplinary hearings; and regular board business.

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

Filed: May 22, 1978, 9:22 a.m.
Doc. No. 783410

State Board of Insurance

Thursday, May 18, 1978, 3 p.m. The State Board of Insurance met in emergency session in Room 408, 1110 San Jacinto, Austin, to conduct an executive session to discuss litigation.

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

Filed: May 18, 1978, 12:23 p.m.
Doc. No. 783355

Monday, May 22, 1978, 2 p.m. The State Board of Insurance met in emergency session in Room 408, 1110 San Jacinto, Austin, to conduct a pre-hearing conference, regarding agents' commissions to be paid by the Texas Catastrophe Property Insurance Association.

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

Filed: May 22, 1978, 9:43 a.m.
Doc. No. 783414

Texas Legislative Council

Thursday, June 1, 1978, 10 a.m. The Texas Legislative Council will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin, to conduct an organizational meeting for three interim study committees, as summarized.

Additional information may be obtained from Dick Strader, Room 155, State Capitol, Austin, Texas 78701, telephone (512) 475-2736.

Filed: May 22, 1978, 11:05 a.m.
Doc. No. 783416

Texas Department of Mental Health and Mental Retardation

Thursday, May 25, 1978, 3 p.m. The Texas Board of Mental Health and Mental Retardation made an emergency addition to the agenda of a meeting held at 909 West 45th Street, Austin, regarding the status of litigation against the department. An urgent public necessity required that the board be apprised at the earliest possible time of changes in the position of parties bringing suit against the Texas Department of Mental Health and Mental Retardation.

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

Filed: May 19, 1978, 4:16 p.m.
Doc. No. 783405

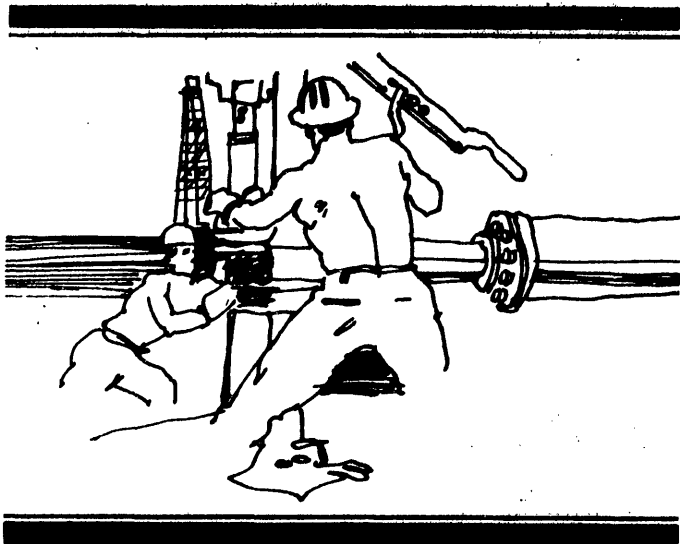


Texas National Guard Armory Board

Saturday, May 20, 1978, 1:30 p.m. The Texas National Guard Armory Board made an emergency addition to the agenda of a meeting held in Building 64, Camp Mabry, Austin. The board considered leasing temporary armory facilities (Killeen), as summarized in the agenda.

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

Filed: May 19, 1978, 2:26 p.m.
Doc. No. 783402



Texas Natural Resources Council

Thursday, May 25, 1978, 10 a.m. The Natural Resources Council Advisory Subcommittee on Coastal Issues met in emergency session in Room 204, 106 East 9th Street, Austin, to discuss coastal issues in consideration of the NRC preliminary report on coastal natural resource issues, as summarized.

Additional information may be obtained from Toni Lopez, Room 204, 106 East 9th Street, Austin, Texas 78701, telephone (512) 475-7927.

Filed: May 18, 1978, 1:12 p.m.
Doc. No. 783356

Public Utility Commission of Texas

Tuesday, May 30, 1978, 9 a.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin, to sign final orders and hear oral argument concerning dockets 1395, 1437, 1521, 1528, and 1529.

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

Filed: May 19, 1978, 11:40 a.m.
Doc. No. 783399

Railroad Commission of Texas

Monday, May 22, 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 division considered Docket 500, an application of Lo-Vaca Gathering Company to review and revise existing contracts, consideration of motion for extension of time filed by the City of Pearsall. The regular open meeting notice provisions did not permit consideration of this motion by the commission before it became moot.

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

Filed: May 19, 1978, 11:11 a.m.
Doc. No. 783398

Monday, May 22, 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 division considered various hearing dockets on Rule 37 cases, and two administrative applications.

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

Filed: May 19, 1978, 11:09 a.m.
Doc. No. 783395

Thursday, May 25, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas rescheduled (on an emergency basis) certain items on the agenda of a meeting held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. Because of lack of a quorum, consideration of Gas Utilities Dockets 827 and 1093 were not discussed at the commission meeting on Monday, May 22. All items for which notice was given for May 22 will be considered on May 30, except for Gas Utilities Docket No. 1055, which will be considered as originally filed. Emergency handling was necessary to preclude the overruling of the motions for rehearing by operation of law.

Additional information may be obtained from James P. Grove IV, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: May 19, 1978, 5:04 p.m.
Doc. No. 783407

Tuesday, May 30, 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 division will consider dockets 1577 through 1588, 1589, 1591, 1593 through 1596, 1598, 1600 through 1602, 1511 through 1537, 1409, and 1554; and director's report. An executive session will also be conducted to consider 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 19, 1978, 11:10 a.m.
Doc. No. 783397

Tuesday, May 30, 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 division will consider the following items: various requests for special allowable, injection of gas, exception to SWR 23, Rule 37 cases, proper pluggings, net gas-oil ratio rule, gas field rules, temporary field rules; administrative new oil and gas field discoveries, motion for rehearing, motion for reconsideration, name change request, 90-day temporary classification, exception to SWR 14(B)(2), exception to SWR 11, and SWR 8(C), plugging with state funds; and director's report. An executive session will also be conducted.

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

Filed: May 19, 1978, 11:10 a.m.
Doc. No. 783396

Tuesday, May 30, 1978, 9 a.m. The Railroad Commission of Texas rescheduled a meeting to be held in the Ernest O. Thompson Building, 10th and Colorado Streets, Austin. Because of lack of a quorum, the commission meeting scheduled for Monday, May 22, has been rescheduled for Tuesday, May 30. All items for which notice was given for May 22 will be considered on May 30 except for Gas Utilities Docket No. 1055, which will be considered as originally filed, and Gas Utilities Docket Nos. 827 and 1093, which will be considered on May 25.

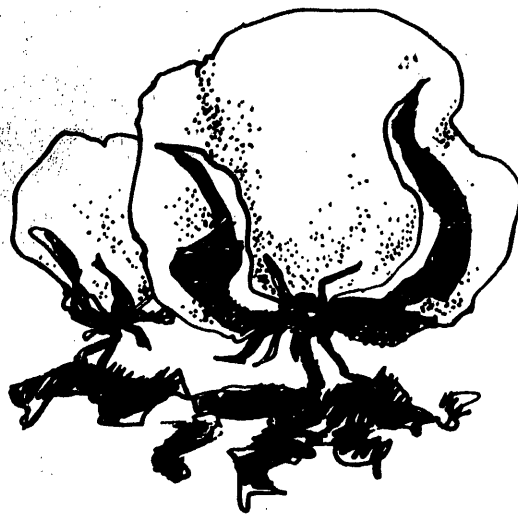
Additional information may be obtained from James P. Grove IV, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: May 19, 1978, 5:03 p.m.
Doc. No. 783408

Tuesday, May 30, 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 division will consider applications for truck rate, to amend authority, for bus rate, to consolidate authority, to divide authority, for lease authority, for new authority, for rail rate, to sell authority, to transfer authority, and to re-establish rates.

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

Filed: May 19, 1978, 11:09 a.m.
Doc. No. 783394



Texas Tech University

Thursday, May 25, 1978, 8:30 a.m. The Board of Regents of Texas Tech University will meet in the Board of Regents Suite, Administration Building, campus, Lubbock, to consider the following items, as summarized: minutes and items for ratification; public affairs, development and university relations; academic and student affairs; campus and building; and Committee of the Whole and Finance.

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

Filed: May 19, 1978, 11:04 a.m.
Doc. No. 783382

Thursday, May 25, 1978, 8:45 a.m. and 12:40 p.m. The Board of Regents of the Texas Tech University School of Medicine will meet in the Board of Regents Suite, Administration Building, campus, Lubbock, to consider the following items, as summarized: minutes and items for ratification; finance; academic and student affairs; and campus and building concerns.

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

Filed: May 19, 1978, 11:01 a.m.
Doc. No. 783381

Governor's Coordinating Office for the Visually Handicapped

Friday, May 26, 1978, 1:30 p.m. The Texas Committee for the Purchase of Blind-Made Products and Services will meet in Suite 105, 314 West 11th Street, Austin, to consider the filing of emergency rules and the designation of a central non-profit organization to handle various functions of the committee, as summarized.

Additional information may be obtained from Dr. John P. Best, Suite 105, 314 West 11th Street, Austin, Texas 78701, telephone (512) 475-7064.

Filed: May 18, 1978, 1:46 p.m.
Doc. No. 783357



Texas Water Commission

Monday, May 22, 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, regarding an application by Bell County Water Control and Improvement District No. 1. As summarized, the applicant requested an amendment to the commission's order, dated May 6, 1978, approving an engineering project and the issuance of \$2,870,000 of bonds.

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

Filed: May 19, 1978, 3:10 p.m.
Doc. No. 783404

Tuesday, May 23, 1978, 11 a.m. The Texas Water Commission met in emergency session in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a request by the Lake Travis Improvement Association. As summarized, the association requested the deposition of Dr. Al D'Arezzo concerning the Application No. 3866 of the Colorado River Municipal Water District (Stacy Reservoir).

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

Filed: May 19, 1978, 3:10 p.m.
Doc. No. 783403

Tuesday, May 30, 1978, 10 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following items, as summarized: applications for district bond issues and use of surplus funds; district exemption from required release from escrow; approval of appraisal of existing water well; petition for district creation; examiner's proposal for decision on water quality matters; amendment to water quality permit; voluntary suspension and cancellation of quality permits; levee project plans; cancellation of permit; final decisions on applications; approval of plans; cancellation of water rights claim; amendment to water rights permit; complaints; extension of time applications; applications for water right permits; consideration of rate changes by court reporters; and amendment to certificate of adjudication.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783377

Thursday, June 1, 1978, 9 a.m. The Texas Water Commission will meet in the conference room, Houston-Galveston Area Council, 3701 West Alabama, Houston, to conduct a hearing regarding an application by Harris County Water Control and Improvement District No. 110 (c/o Hays Utility Service), Spring. As summarized, the applicant seeks an amendment to Permit No. 10792 to accommodate the construction of an interim sewage treatment plant to be used with the existing facilities.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783366

Thursday, June 1, 1978, 9 a.m. The Texas Water Commission will meet in the conference room, Houston-Galveston Area Council, 3701 West Alabama, Houston, to conduct a hearing regarding an application by Spring Independent School District (Wunsche School), Houston. As summarized, the applicant seeks an amendment to Permit No. 11811 to accommodate plant expansion and an increase in treatment capacity.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783367

Thursday, June 1, 1978, 9 a.m. The Texas Water Commission will meet in the conference room, Houston-Galveston Area Council, 3701 West Alabama, Houston, to conduct a hearing regarding an application by Spring Independent School District (Bammel School), Houston. As summarized, the applicant seeks an amendment to Permit No. 11237 to accommodate plant expansion and an increase in treatment capacity.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783368

Thursday, June 1, 1978, 9 a.m. The Texas Water Commission will meet in the conference room, Houston-Galveston Area Council, 3701 West Alabama, Houston, to conduct a hearing regarding an application by Harris County Water Control and Improvement District No. 110 (c/o Hays Utility Service), Spring. 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 6,000 people.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783376

Thursday, June 1, 1978, 10 a.m. The Texas Water Commission will meet in the conference room, San Antonio River Authority Building, 100 East Guenther, San Antonio, to conduct a hearing regarding an application by Solution Engineering, Inc. (Falls City Facility), Alice. As summarized, the applicant seeks a permit to conduct *in situ* mining of uranium from mill tailings which is located approximately 10 miles southwest of Falls City, in Karnes County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783369

Thursday, June 1, 1978, 10 a.m. The Texas Water Commission will meet in the conference room, San Antonio River Authority Building, 100 East Guenther, San Antonio, to conduct a hearing regarding an application by the City of San Antonio (Standard Electric Company). As summarized, the applicant seeks a permit to allow for a discharge not to exceed an average flow of 47,500 gallons per day of industrial wastewater effluent and domestic sewage effluent from the battery manufacturing facility in Bexar County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783370

Thursday, June 1, 1978, 10 a.m. The Texas Water Commission will meet in the conference room, San Antonio River Authority Building, 100 East Guenther, San Antonio, to conduct a hearing regarding an application by Katzfey Brothers, Inc., George West. As summarized, the applicant seeks a permit to authorize the disposal of process generated wastewater and/or any amount of rainfall runoff containing wastes from the swine farm located in George West, Live Oak County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783371

Friday, June 2, 1978, 9 a.m. The Texas Water Commission will meet in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to conduct a hearing regarding an application by Gulf Coast Waste Disposal Authority (Candlelight Hills Plant), Houston. As summarized, the applicant seeks an amendment to Permit No. 11314 to accommodate the construction of a larger permanent plant.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783372

Friday, June 2, 1978, 9 a.m. The Texas Water Commission will meet in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to conduct a hearing regarding an application by Langham Creek Utility District, Houston. As summarized, the applicant seeks an amendment to Permit No. 11682 to accommodate plant expansion.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783373

Friday, June 2, 1978, 9 a.m. The Texas Water Commission will meet in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to conduct a hearing regarding an application by Gulf Coast Waste Disposal Authority (Harris County Municipal Utility District No. 55), Houston. As summarized, the applicant seeks an amendment to Permit No. 11539 to accommodate plant expansion.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783374

Friday, June 2, 1978, 9 a.m. The Texas Water Commission will meet in the City of Houston Health Department auditorium, 1115 North MacGregor, Houston, to conduct a hearing regarding an application by Stauffer Chemical Company, Houston. As summarized, the applicant seeks an amendment to Permit No. 00541 to accommodate an increase in effluent volume to reflect wet weather conditions and to change the permit limitation for fluorides.

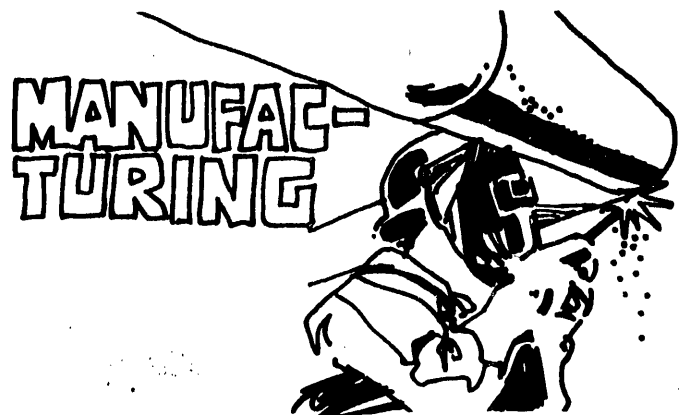
Additional information may be obtained from Lee Mathews, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783375

Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Dahlstrom Corporation (TA-3111). As summarized, the applicant seeks a permit to divert and use 25 acre/feet of water for a one-year period from reservoirs on unnamed tributaries of Calaveras Creek, San Antonio River, San Antonio River Basin, for industrial (highway construction) purposes in Bexar County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783361



Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Trotti and Thomson Company, Division of Ashland-Warren, Inc. (TA-3146). As summarized, the applicant seeks a permit to divert and use 43 acre/feet of water for a two-year period from Gulf Intracoastal Waterway, Neches-Trinity Coastal Basin, for industrial (highway construction) purposes in Jefferson County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783362

Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Buckner Construction Company (TA-3136). As summarized, the applicant seeks a permit to divert and use five acre/feet of water for a two-year period from Black Creek and Little Pine Island Bayou, Pine Island Bayou, Neches River, Neches River Basin, for industrial (highway construction) purposes in Hardin County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783363

Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Buckner Construction Company (TA-3135). As summarized, the applicant seeks a permit to divert and use 10 acre/feet of water for a two-year period from LaNana Bayou, Angelina River, Neches River, Neches River Basin, for industrial (highway construction) purposes in Nacogdoches County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783364

Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Strain Brothers, Inc. (TA-3142). As summarized, the applicant seeks a permit to divert and use 305 acre/feet of water for a three-year period from Copperas Creek and North Llano River, Colorado River, Colorado River Basin, for industrial (highway construction) purposes in Kimble County.

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

Filed: May 18, 1978, 4:11 p.m.
Doc. No. 783365

Tuesday, June 6, 1978, 9:30 a.m. The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress, Austin, to conduct a hearing regarding an application by Ed E. Nestrta, Alvin (TA-3140). As summarized, the applicant seeks a permit to divert and use 6 acre/feet of water for a three-year period from Chocolate Bayou, San Jacinto-Brazos Coastal Basin, for industrial purposes in Brazoria County.

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

Filed: May 18, 1978, 4:12 p.m.
Doc. No. 783360



Regional Agencies Meetings Filed May 19, 1978

The Amarillo MH/MR Regional Center, Executive Committee, Board of Trustees, met at the Hereford Family Services Center, 610 East Park, Hereford, on May 25, 1978, at 10:30 a.m. The Board of Trustees met at 12:30 p.m. at the same location. Further information may be obtained from Clark E. Wooldridge, P.O. Box 3450, Amarillo, Texas 79106, telephone (806) 353-7235.

The Education Service Center, Region XIII, Board of Directors, met in Conference Room 101, 7703 North Lamar, Austin, on May 23, 1978, at 7 p.m. Further information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas 78752, telephone (512) 458-9131.

The Golden Crescent Council of Governments, Executive Committee rescheduled a meeting held in the conference room, 202 East Santa Rosa, Victoria, on May 24, 1978, at 5 p.m. Further information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, telephone (512) 578-1587, extension 30.

The Middle Rio Grande Development Council, Regional Manpower Advisory Committee, will meet at the library, Main Street, Eagle Pass, on May 30, 1978, at 3:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Panhandle Regional Planning Commission, Panhandle County Judges Chemical Abuse Services System, Inc., met at the Panhandle Alcohol Recovery Center, Old Amarillo Air Base, Amarillo, on May 23, 1978, at 10 a.m. The Regional Alcohol/Drug Abuse Services Coordinating Board met at the same location at 1:30 p.m., on May 23. Further information may be obtained from Claudia Stuart, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Panhandle Regional Planning Commission, Panhandle Emergency Medical Services System, Inc., met in Meeting Room A, Amarillo City Library, 4th and Pierce Streets, Amarillo, on May 25, 1978, at 1:30 p.m. Further information may be obtained from Betty O'Rourke, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The Region XI CETA Consortium, McLennan County Non-Urban Planning Council, met at the county courthouse, Waco, on May 25, 1978, at 10 a.m. Further information may be obtained from Nancy Miller, 216 North 5th Street, Waco, Texas 76701.

The San Jacinto River Authority, Board of Directors, met in Office Building No. 1, 2201 Timberloch Place, The Woodlands, on May 25, 1978, at 2 p.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas, telephone (713) 588-1111.

The South Texas Development Council, Government Application Review Committee, met at the Zapata Community Center, Zapata, on May 25, 1978, at 10 a.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The South Texas Development Council, Regional Alcoholism/Drug Abuse Advisory Committee, will meet at the San Juan Plaza, Rio Grande City, on May 31, 1978, at 1 p.m. Further information may be obtained from Rosa Laura Marines, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

Doc. No. 783400

Meetings Filed May 22, 1978

The Alamo Area Council of Governments, 208 Division, will meet in the River Room, El Tropicano Hotel, 110 Lexington, San Antonio, on June 21, 1978, at 7 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 Brazos River Authority, Open Public Meeting, will meet in the Ranger Room, Waco Convention Center, 100 Washington Avenue, Waco, on June 20, 1978, at 1:30 p.m. Further information may be obtained from Fred M. Johnson, Jr., 4400 Cobbs Drive, Waco, Texas 76710, telephone (817) 776-1441.

The Brazos Valley Development Council, Executive Committee, will meet at 3006 East 29th Street, Bryan, on June 8, 1978, at 1:30 p.m. Further information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77801, telephone (713) 822-7421.

The Coastal Bend Council of Governments, Nueces Basin Citizen Advisory Committee, met in Suite 200, 4600 Parkdale Drive, Corpus Christi, on May 25, 1978, at 1:30 p.m. Further information may be obtained from Ken Froehlich, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Coastal Bend Council of Governments, Membership Division, will meet in the Central Jury Room, Nueces County Courthouse, Corpus Christi, on May 26, 1978, at 2 p.m. Further information may be obtained from John Buckner, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Education Service Center, Region One, Board of Directors, met at 1900 West Schunior, Edinburg, on May 23, 1978, at 6 p.m. Further information may be obtained from Dr. Charles W. Benson, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-5611.

The Education Service Center, Region VII, Board of Directors, will meet at 818 East Main, Kilgore, on June 1, 1978, at 1 p.m. Further information may be obtained from Von Rhea Beane, 818 East Main, Kilgore, Texas 75662, telephone (214) 984-3071.

The Middle Rio Grande Development Council, Annual Meeting, will be held in the Eagle Pass Public Library, Eagle Pass, on May 30, 1978, at 4:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Trinity River Authority of Texas, Central Regional Wastewater System ROW Committee, met in the Executive Conference Room, 2723 Avenue E East, Arlington, on May 25, 1978, at 4 p.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 783413

Office of the Attorney General

Texas Municipal Power Agency Revenue Bonds

Public Hearing

A hearing by the Bonds and Charitable Trusts Division, Office of the Attorney General of Texas, will be held on Tuesday, June 6, 1978, 10 a.m., in the Attorney General's Conference Room, 7th floor, Texas Supreme Court Building, Austin. The hearing concerns the protest of Texas Municipal Power Agency, Arlington, by its attorneys, Naman, Howell, Smith, Lee and Muldrow, Waco, and Duman, Huguenin, Boothman and Morrow, Dallas, of the declination by the attorney general to approve the issuance and sale of Texas Municipal Power Agency revenue bonds, Series 1978, Docket 003.002.002. Protestant seeks reversal.

The attorney general's authority relative to the issue is charged by Article 1435a, Section 4a.(1), Vernon's Annotated Civil Statutes as amended, and Article 1435b, Section 1, Vernon's Annotated Civil Statutes as amended. This notice is given and the hearing conducted pursuant to Article 6252-13, Vernon's Annotated Civil Statutes, as amended, and the general adjudicatory rules of practice and procedure for the Bond Section, Bonds and Charitable Trusts Division, Attorney General's Department.

Every person who desires to appear in support or in opposition to the protest must file a notice to that effect with James R. Riggs, chief, Bonds and Charitable Trusts Division, P.O. Box 12548, Austin, Texas 78711, within 10 days after the publication of this notice, with service of a copy of such person's notice upon Texas Municipal Power Agency or their attorneys.

Issued in Austin, Texas, on May 18, 1978.

Doc. No. 783380 James Riggs, Chief
 Bonds and Charitable Trusts
 Division
 Attorney General's Office

Filed: May 18, 1978, 8:52 a.m.

For further information, please call (512) 475-4651.

Office of the Governor Budget and Planning Office

Financial Assistance Availability under Federal Coastal Energy Impact Program

This announcement of availability of financial assistance and solicitation of applications is published by the Budget and Planning Office in accordance with the Intrastate Allocation Procedures for the Federal Coastal Impact Program (001.60.11) as published in the *Texas Register* on May 16, 1978. The associate administrator for Coastal Zone Management, National Oceanic and Atmosphere Administration, U.S. Department of Commerce, notified the Budget and Planning Office on May 12, 1978, of his approval of the Texas intrastate allocation procedures as referenced above. With this approval, the State of Texas and units of local government are authorized to apply for financial assistance under the Coastal Energy Impact Program.

(A) Federal allotments to Texas. The State of Texas has received certificates of allotment under the federal Coastal Energy Impact Program in the following amounts:

(1) Planning grants. For the purposes specified in Section 308(c), Coastal Zone Management Act of 1972 as amended, the State of Texas is allotted \$416,592.

(2) Credit assistance. For the purposes specified in Section 308(d)(1) and (2), Coastal Zone Management Act of 1972 as amended, the State of Texas is allotted \$14,372,363.

(3) Grants for environmental or recreational losses. For the purposes specified in Section 308(d)(4), Coastal Zone Management Act of 1972 as amended, the State of Texas is allotted \$196,622.

(B) Application submittal and review procedures.

(1) General. Eligible units of government seeking financial assistance under this program must submit applications in accordance with Rules .003, .006, and .007 of the Intrastate Allocation Procedures. In addition, Rule .008 requires the application to be submitted for A-95 review. Additional details of that process are described below.

(2) Review of applications. Federal Circular A-95, promulgated by the President's Office of Management and Budget, requires that eligible state agencies or local governments applying for any category of assistance under the Coastal Energy Impact Program must follow certain prescribed review and comment procedures. An application must be submitted to both the state clearinghouse and areawide clearinghouse for the jurisdiction in which the project is to be located. Since the Budget and Planning Office is administering this program and is also the state clearinghouse, completed applications should be sent to this office at the same time they are submitted to the appropriate areawide clearinghouse for review and comment. (Applications for planning grants and environmental or recreational grants must be submitted to the appropriate clearinghouse no later than June 30, 1978.) Applicants are urged to contact their clearinghouse, as listed below, for additional information or instructions to expedite the clearinghouse review:

State clearinghouse:
Governor's Budget and Planning Office
411 West 13th Street



Austin, Texas 78701
(512) 475-2411

Areawide clearinghouses:

Coastal Bend Council of Governments
P.O. Box 6609
Corpus Christi, Texas 78411
(512) 854-3081

Golden Crescent Council of Governments
P.O. Box 2028
Victoria, Texas 77901
(512) 578-1587

Houston-Galveston Area Council
P.O. Box 22777
3701 West Alabama
Houston, Texas 77027
(713) 627-3200

Lower Rio Grande Valley Development Council
First National Bank Building, Suite 207
McAllen, Texas 78501
(512) 682-3481

South East Texas Regional Planning Commission
P.O. Drawer 1387
Nederland, Texas 77627
(713) 727-2384

(C) Target amounts.

(1) Planning grants. In accordance with Rule .006(a)(2) of the Intrastate Allocation Procedures, the Budget and Planning Office has calculated county target amounts for planning funds. These amounts, as indicated below, are based on a base amount of \$10,000 for each county containing a portion of the defined Texas coastal zone.

County	Target Amounts
Aransas	\$10,000
Brazoria	45,300
Calhoun	22,729
Cameron	21,072
Chambers	17,689
Galveston	21,285
Harris	27,248
Jackson	10,000
Jefferson	27,437
Kenedy	10,000
Kleberg	10,000
Matagorda	43,856
Nueces	56,585
Orange	20,268
Refugio	10,000
San Patricio	38,107
Victoria	15,016
Willacy	10,000
Total	\$416,592

As prescribed by Rule .006(a)(2)(A) of the Intrastate Allocation Procedures, eligible applicants shall be county governments or designees of the county. Thus, the county judge or commissioners court of a coastal county should be contacted by potential applicants to obtain county designation status and to ascertain the portion of county's targeted planning funds which will be allocated to each proposed planning project within the county. If applications from one county exceed targeted amounts, county governments must recom-

mend the priority of funding for each application. Applications for planning grants are to be submitted on forms developed for Coastal Energy Impact Program Section 308(c).

(2) Public facilities and public services. In accordance with Rule .006(b)(2)(A) of the Intrastate Allocation Procedures, initial target amounts for public facilities and public services within each eligible coastal county will be \$718,618. Applications for public facilities and public services assistance are to be submitted on forms developed for Coastal Energy Impact Program Sections 308(d)(1), (2), and (4) and entitled "Applications for Construction Programs."

(3) Environmental and recreational grants. No target amounts are established for environmental and recreational grants, however, any application for these purposes is not to exceed \$196,622. Applications for environmental and recreational grants for construction projects are to be submitted on forms developed for Coastal Energy Impact Program Sections 308(d)(1) and (2) and 308(d)(4) and entitled "Applications for Construction Programs." Applications for environmental and recreational grants for nonconstruction projects are to be submitted on forms developed for Section 308(d)(4).

(D) Receipt deadlines. To be eligible for consideration, each completed application, in two copies, must be received by the Budget and Planning Office not later than noon on the dates indicated below.

(1) For planning grants, the receipt deadline for applications is June 30, 1978.

(2) For public facilities and public services assistance, the receipt deadline for applications is September 15, 1978.

(3) For environmental and recreational grants, the receipt deadline for applications is June 30, 1978.

(E) Notice of recommendations for funding. Upon completion of priority ranking and evaluation prescribed in the Intrastate Allocation Procedures, the Budget and Planning Office will publish a notice of allocation recommendations in the *Texas Register*. Proposed date of publication for that notice is 15 days after the receipt deadline for each funding category.

Issued in Austin, Texas, on May 16, 1978.

Doc. No. 783327 Roy Hogan, Assistant Director
Budget and Planning Office
Office of the Governor

Filed: May 17, 1978, 2:25 p.m.

For further information, please call (512) 475-2411.

State Department of Health Bureau of State Health Planning and Resources Development

Technical Reports

(Editor's note: The following article is taken from the May, 1978, issue of the *Texas Health Bulletin*, a publication of the Texas Health Department.)

The Bureau of State Health Planning and Resources Development has been instrumental in providing an information flow to the 12 Texas health systems agencies on a variety of subjects pertinent to their organizational and administrative func-

tions. As a part of this information flow, a technical report series has been developed.

Public Information. The technical reports were researched and written by bureau staff on topics ranging from information on federally funded special health initiatives to development of effective public information programs. The series includes seven reports to date. Three have been printed and are available for distribution; two are in the printing stage; and two will be completed and sent to the printers by the end of the month. Brief descriptions of each of the reports are contained in the following paragraphs:

"Information Dissemination Regarding Federally Funded Special Health Initiatives" is the title of the first report. Presently, no coordinated procedure exists for handling the flow of information about special health initiative dollars into Texas. The disposition of information about sometimes large amounts of money is often left to chance, or to hit-or-miss efforts. Technical Report 1 deals with the development of a systematic procedure for the efficient channeling of information about health initiative dollars into the state. The report points up the benefits of developing a systematic procedure: (1) identification of problems and inefficiencies so that solutions can be offered; (2) clarification of existing procedures; and (3) insights gained by being forced to examine the entire process.

Technical Report 2 deals with the different reviews required for federal health funds and is entitled "Reviews Required of Applications for Federal Health Funds under: (1) Public Law 93-641, (2) Office of Management and Budget Circular A-95, and (3) Vernon's Texas Civil Statutes Art. 4413 (32a) (HB 172) and Art. 4418h (HB 2164)." This report is designed to summarize and clarify the various reviews of plans and applications for federal health funds under these acts of legislation. The report discusses and diagrams the review process to indicate types of plans and applications, applicants, reviewing agencies, types of review, review recipients, and appellate agencies.

Two Approaches. "Health-Related Federal Expenditures in Texas: An Initial Examination" is the title of Technical Report 3. Its purpose is to track the flow of federal health-related funds into Texas. Two approaches are taken in the report: the first is to survey seven state agencies which handle most of the state's federal allocation, and the second is to inspect the grant funds which flow through the Public Health Service (PHS) of the Department of Health, Education, and Welfare (DHEW). Technical Report 4 is entitled "Public Involvement Manual for Health Systems Agencies."

"Development of a Health Status Index for Texas Counties" is the title of Technical Report 5.

"Quantitative Methods," Technical Report 6, is still in the development stage, with completion expected by the end of the month.

Second Report. The second report currently in final stages of completion is "Texas Health Care Expenditures." It compiles information on the total amount of money spent in Texas in each of 13 categories of health and medical expenses. The purpose of Technical Report 7 is to determine the extent of fiscal involvement in the delivery of health care services in the state, as well as the way in which this involve-

ment is distributed among the several levels of government operating within Texas.

Late August. Technical Reports 6 and 7 will be printed and available for distribution by late August. Copies of any of the reports are available free of charge to interested parties.

Doc. No. 31A16

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 9-15, 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 315.17.04.010-.070, 315.17.05.010-.030, 315.18.04.010-.040, and 315.18.05.010-.030.

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.

Bellaire General Hospital, Houston
AH78-0818-015BE (05/078)

EC—Request extension of completion deadline from May 15, 1978, to January 14, 1979, in 6.02 E/C AH78-0818-015B to construct a three-story addition containing 139 acute care beds

Sealy Medical Center Foundation, Sealy
AH78-0515-005

EC—Acquire blood gas analysis equipment

Physicians and Surgeons General Hospital, Corpus Christi
AH78-0515-026

EC—Construct a 1,500 square foot addition for enlarging and remodeling physical therapy department and addition of hydro-therapy unit

Doctors Hospital, Dallas
AH77-0609-001D (051578)

DR—Request for ruling that development has commenced on project approved by Certificate of Need AH77-0609-001 for the addition of 40 general acute care hospital beds

Issued in Austin, Texas; on May 19, 1978.

Doc. No. 783401 Dan R. McNery
 General Counsel
 Texas Health Facilities Commission

Filed: May 19, 1978, 11:48 a.m.

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



Texas Advisory Commission on Intergovernmental Relations

Optional Format for Grant-in-Aid Program Rules

The Texas Advisory Commission on Intergovernmental Relations has prepared an optional rule format for use by state agencies administering grants-in-aid to local governments. The April, 1978, Intergovernmental Brief, published by Texas ACIR, cites the great diversity among current grant-in-aid program rules and suggests that the information could be more useful to both the administering agencies and the grant recipients if it were presented in a standard format.

The Texas Register Division, Office of the Secretary of State, is working with Texas ACIR on this project and will assist any agency in preparing its rules according to the optional format. The format, which is presented below with explanations of the kind of information appropriate for inclusion under each title, can be tailored to meet the numbering needs of the individual agency. The Intergovernmental Brief is available from the Texas Advisory Commission on Intergovernmental Relations, P.O. Box 13206, Austin, Texas 78711. Further information may be obtained from Cynthia Keever, Texas ACIR, telephone (512) 475-3728, or Mary Barrow, Texas Register Division, telephone (512) 475-7886.

Program Description

Purpose and Scope. This first title would present a description of the program in broad terms, including goals and objectives. It might also include a policy statement regarding the need for the program.

Definitions. Basic terms used throughout the rules related to the grant program would be defined in this title. Any terms that have a special meaning in administration of the grant might be included.

Eligible Project. A description of the types of projects that can be funded would appear under this title. These might be, for example, service delivery projects, demonstration projects, research projects, or capital improvement projects. Any major limitations on the use of funds, such as the exclusion of capital purchases, would be included here. Also, other major requirements such as conformance with state or other plans would be identified here.

Eligible Applicants. This title would identify those organizations or individuals who may apply for the grant—local or other governmental units, individuals, educational institutions, or others. It would also point out special requirements for eligibility, such as a specified rate of unemployment in an area.

Funds Available. This title would indicate the total amount of money available from the funding source and any additional pertinent information, such as allocation per geographical area, urban or rural distribution requirements, or limitations on amounts per project.

Criteria for Award. Information under this title would include the basis upon which one project is selected over another for award or the factors and methods used in the distribution of formula grants. It is related to and might provide a cross reference to information contained under the title Awards Procedures.

Matching Requirement. The matching share represents that portion of program costs required of the grantee. This title would set out the matching requirement in percentage or other appropriate terms; indicate whether cash or in-kind match, or both, are allowed; if or to what extent federal funds can be used as matching; and future changes in matching rules, if any, required by the law. More detailed information on matching requirements is included under the title Matching Standards.

Length of Projects. This title would contain information the length of time for which a project can be funded, including minimum and maximum grant periods. It would review the possibility of renewal in future funding periods.

and may be related to regulations covered in the Evaluation Policy section.

Application and Award

Application Schedule. The dates when applications are due or a statement that applications may be accepted at any time would be indicated here.

Application Procedures. All significant steps in the application process, including where applications may be obtained, would appear under this title. It would include instructions on filling out an application (if application forms do not contain their own set of instructions), reference to any application manual that is available, details regarding conformance with state or other plans, and similar information. Where appropriate, the application forms included in Attachment M of OMB Circular A-102 might be cited.

Awards Procedures. Steps in the award process would be listed under this title, including the anticipated time when awards are made. Wherever applicable, procedures for appealing an award decision would be described. Also, further details about award criteria might be included.

Program Requirements

This category would include all requirements related to the program not covered under other headings, for example, standards of performance; personnel skill requirements; eligibility requirements for program clients; and program record requirements, such as client records. Special statutory requirements would be covered under this category.

Program Administration

Monitoring and Reporting of Program Performance. A description of how projects are monitored by the administrative agency and what program performance reports are required would be included under this title. OMB Circular A-102, Attachment I, which associates required financial reports, might be cited where appropriate.

Property Management. Regulations relating to the use and disposition of property purchased with grant funds would appear here. OMB Circular A-102, Attachment N, might be cited where appropriate. It defines the various types of property and describes practices for the use and disposition of each.

Procurement. Standards for procurement of supplies, equipment, construction, and other services would be set out under this title. OMB Circular A-102, Attachment O, might be cited where appropriate. It allows the use of existing grantee procedures as long as they provide for adequate review, assurance of competition, use of proper methods, and compliance with equal employment laws, and antickickback and prevailing wage regulations.

Compliance. This title would include the assurances of compliance as required by law with civil rights, affirmative action, environmental, and any similar requirements.

Fiscal Administration

Expenditure Limitations. Any limitations on the purpose, type, method, or amount of spending in a project would be explained under this title.

Matching Standards. Identification of the source or sources of funds or types of in-kind contributions that qualify as matching in the program would be included in this section. The standards in OMB Circular A-102, Attachment F, which defines the terms pertinent to calculation of matching contributions and sets out general guidelines for making computations, might be cited where appropriate.

Cost Principles. Allowable costs for the program would be specified under this title as well as a description of how any indirect costs are to be computed and treated. Federal Management Circular 74-4 might be cited where appropriate.

Program Income. A description of how any fees, charges, or other revenues of the program are to be treated and the uses which can be made of them would be included here. OMB Circular A-102, Attachment E, might be cited where appropriate. It establishes uniform accounting and disposition rules for four categories of project income earned by grant-supported activities.

Grant Payments. Methods to be used in making payments to grant recipients would be indicated under this title. Many grant programs administered by Texas state agencies are carried out through reimbursement contracts. Basic procedures used in these or other types of contracts would be specified here.

Budget Revision Procedures. Circumstances in which a revised budget request is required would be described under this title as well as the steps necessary to submit and obtain approval of the revision. OMB Circular A-102, Attachment K, which enumerates budget revisions requiring prior approval of the grantor, might be cited where appropriate.

Standards for Financial Management Systems. This title would provide information on the requirements for accounting systems and the kinds of financial information that must be kept by the grantee. OMB Circular A-102, Attachment G, which delineates financial management standards, might be cited where appropriate.

Cash Depositories. This title would include any standards for the type of banks or other institutions to be used as depositories of grant funds, surety requirements, and depository procedures.

Bonding and Insurance. Any requirement for bonding and insurance would be included here. OMB Circular A-102, Attachment B, might be cited where appropriate.

Other Fiscal Requirements. This title would cover any other necessary requirements established by an agency, for example those mandated by law.

Evaluation and Audit

Evaluation Policy. The basis for evaluation and the evaluation methods used would be covered under this title. These rules might be related to the possibility of renewal noted earlier in the format under Length of Project or to audit requirements in the case of expanded performance auditing.

Grant Close-Out Procedures. Procedures for ending a project, both as scheduled and in case of early termination, would be given under this title. Where appropriate, Attachment L of OMB Circular A-102 might be cited.

Record Retention. Requirements for keeping records after project termination would be covered here. OMB Circular A-102, Attachment C, which requires grant recipients to retain financial records, supporting documents, and statistical and other pertinent records for three years, might be cited where appropriate.

Audit Requirements. Under this title, the timing of required audits and types of organizations authorized to perform them would be covered. Where appropriated, FMC 73-2, Audit of Federal Operations and Programs by Executive Agencies, might be cited.

Audit Procedures. Standards for conducting an audit would be included here. The federal General Accounting Office's booklet, Standards for Audit of Governmental Organization, Programs, Activities and Functions, might be cited where appropriate.

Audit Appeals. Any procedures for appealing the results of an audit in cases where an audit exception has been made would be covered under this title.

Standard Forms

This category would include sample application forms, reporting forms, or contracts. In some cases reference to an agency's contract manual might be made. OMB Circular

A-102, Attachment H, might be cited where appropriate. It includes the following federal financial reporting forms:

- (1) Financial Status Report;
- (2) Request for Advance or Reimbursement;
- (3) Report of Federal Cash Transactions;
- (4) Outlay Report and Request for Reimbursement for Construction Projects.

Attachment M of Circular A-102 might also be cited where appropriate; it contains standard application forms:

- (1) Preapplication for Federal Assistance;
- (2) Notice of Review Action;
- (3) Federal Assistance Application for Nonconstruction Programs;
- (4) Federal Assistance Application for Construction Programs;
- (5) Application for Federal Assistance—Short Form.

Doc. No. 31A15

Now Available

Revised Filing Guide for Secured Transactions

The Office of the Secretary of State has available the *Revised Filing Guide for Secured Transactions* which contains filing procedures, rules, and the statutes of the State of Texas through the regular session of the 65th Legislature, 1977, governing Chapter 9 of the Texas Business and Commerce Code.

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