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TEXAS REGISTER

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TEXAS DOCUMENTS

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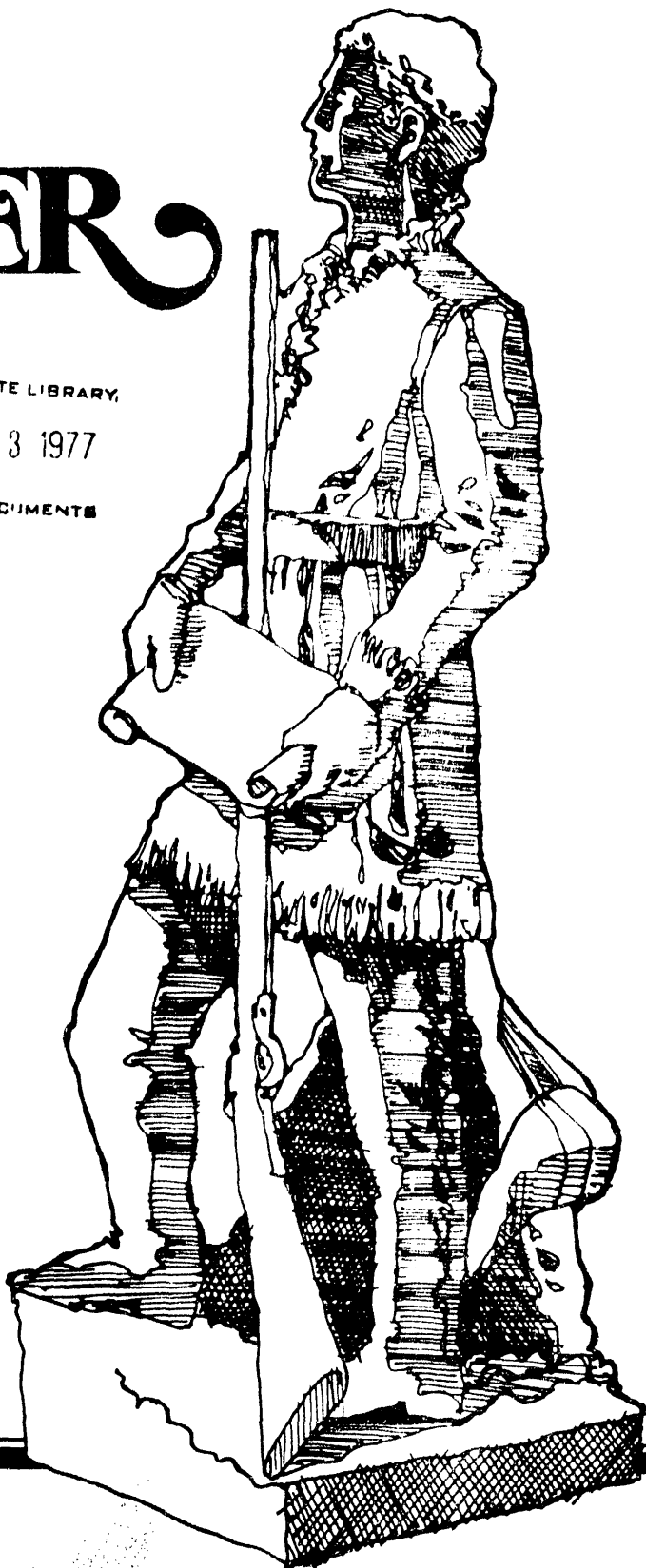
Emergency rules adopted by the Texas Health Facilities Commission concerning health system agencies

Texas Private Employment Agency Regulatory Board's emergency rules on advertising

Terms and conditions of parole proposed by the Board of Pardons and Paroles

Adoption by reference by the Criminal Justice Division

Rules concerning parole commissioners adopted by the Board of Pardons and Paroles



Office of the Secretary of State

USPS Publication Number 120090

NOTES ON THE ISSUE

The Texas Health Facilities Commission attempts to bring state requirements more in line with federal requirements regarding the length of time for the review of health system agencies. While the federal regulations allow 60 days, the state allowed only 45. Emergency rules in this issue eliminate this difference.

To promote the delivery of quality and efficient parole services to inmates of the Texas Department of Corrections, the Board of Pardons and Paroles has adopted new rules outlining the duties of parole commissioners.

The Texas Education Agency and the Criminal Justice Division of the Governor's Office both make adoptions by reference in the Adopted Rules section.

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

Artwork: Gary Thornton

TEXAS REGISTER



Mark White
Secretary of State

The *Texas Register* is published twice weekly, 100 times a year by the Texas Register Division, Office of the Secretary of State; Box 819, Texas Commodore Building; Austin, Texas 78701. Telephone (512) 475-7886.

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- 2302 *RQ-1647 (replacement and correction of death certificates)*
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Requests for Opinions

Summary of Request for Opinion RQ-1646

Request for opinion sent to Attorney General's Opinion Committee by Ben Z. Grant, Chairman, Judiciary Committee, House of Representatives, Austin.

Summary of Request: May a city attorney use his office and staff in his private law practice?

Doc. No. 772748

Summary of Request for Opinion RQ-1647

Request for opinion sent to Attorney General's Opinion Committee by Robert Gradel, Lampasas County Attorney, Lampasas.

Summary of Request: May the county clerk remove a death certificate which has an erroneous cause of death and replace it with a new original with the correct cause of death?

Doc. No. 772749

Summary of Request for Opinion RQ-1648

Request for opinion sent to Attorney General's Opinion Committee by Henry Wade, District Attorney, Dallas.

Summary of Request: May a county constitutionally pay a premium on errors and omissions coverage for county clerks as provided by Article 1937, Vernon's Texas Civil Statutes?

Issued in Austin, Texas, on June 2, 1977.

Doc. No. 772750 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: June 3, 1977, 11:33 a.m.

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

Opinions

Summary of Opinion H-1002

Request from Don. S. Caldwell, Jr., District/County Attorney, Limestone County, Groesbeck, concerning the appointment of special deputies sheriff.

Summary of Opinion: Deputies sheriff appointed to patrol an annual celebration must satisfy the requirements of Article 4413(29aa) in order to act as peace officers.

Doc. No. 772707

Summary of Opinion H-1003

Request from Ray Harris, San Patricio County Auditor, Sinton, concerning the administrative assistant for the Judge of the 156th Judicial District.

Summary of Opinion: The 156th Judicial District Court may be provided with a deputy court reporter or an administrative assistant, or both, and the salaries for such personnel may be budgeted and paid by the counties composing the 156th Judicial District.

Doc. No. 772705

Summary of Opinion H-1004

Request from Kerry Knorpp, Potter County Attorney, Amarillo, concerning whether the Department of Public Welfare may require counties to collect a \$20 application fee for child support collection services for non-welfare recipients.

Summary of Opinion: The Department of Public Welfare may require counties to collect a \$20 application fee from non-welfare recipients for child support services.

Doc. No. 772751

Summary of Opinion H-1005

Request from Ann L. Postma, Childress County Attorney, Childress, concerning the maintenance and destruction of hospital district records.

Summary of Opinion: Article 6574b, Vernon's Texas Civil Statutes, provides the procedure for the duplication and destruction of records of a hospital district.

Doc. No. 772752

Summary of Opinion H-1006

Request from Tom Curtis, District Attorney, 47th Judicial District, Amarillo, concerning the representation of the state in county court when the county attorney is disqualified.

Summary of Opinion: When the judge of a county court at law has disqualified himself from presiding in a misdemeanor case, and the county attorney is himself disqualified from participating in the selection of a special judge, the county commissioners court should appoint a special judge to hear the case.

Issued in Austin, Texas, on June 2, 1977.

Doc. No. 772753 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed: June 3, 1977, 11:33 a.m.

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



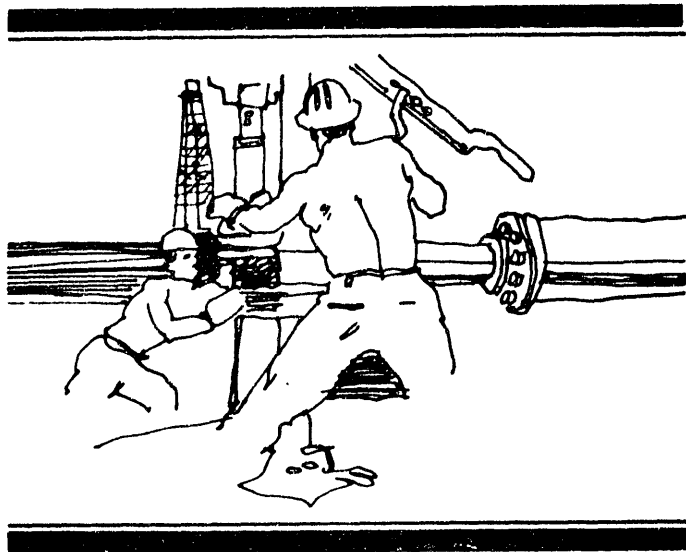
EMERGENCY RULES

2304

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

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

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



Texas Health Facilities Commission

Health System Agency Rules of Review

Application Review By Health System Agencies 315.08.03

Pursuant to Section 3.08(b) of Article 4418(h), Vernon's Annotated Civil Statutes, the commission has adopted rules for the review of a certificate of need application by a health systems agency. In order to facilitate upcoming reviews and to insure that the health

systems agency has direct access to all matters pertaining to a certificate of need application, the commission adopts the following emergency amendment of Rule 315.08.03.002. The commission finds that an imminent peril to the public health, safety, and welfare, an urgent public necessity, and an emergency exist, which require adoption of this emergency amendment.

This rule is promulgated under the authority of Section 3.08(b) of Article 4418(h), Vernon's Annotated Civil Statutes.

.002. Beginning of Review. Upon receipt [from the Texas Health Facilities Commission] of a copy of an application for a certificate of need, the HSA shall determine whether to conduct a review. The HSA shall within seven days of receipt of an application for a certificate of need mail written notification of its intention to the applicant, the Texas Health Facilities Commission, and other persons, as provided by law.

Doc. No. 772711

Definitions and Explanation of Applicability of the Act 315.11.00

On January 15, 1977, exemption certificates issued pursuant to Section 6.02 of Article 4418(h), Vernon's Annotated Civil Statutes, would have become void if the holder of the certificate had failed to comply with the specific reporting requirements set out in Section 6.02 of the act and the commission rules. Due to the confusion on the part of holders of 6.02 exemption certificates regarding the manner and form of documents to be filed under the reporting requirements of Section 6.02, emergency amendments were adopted by the commission on January 10, 1977, and January 13, 1977, extending the January 15, 1977, deadline for the filing of substantial progress affidavits required under Section 6.02 and commission Rule 315.11.00.002(h)(2)(B). Because of the possibility that exemption certificates issued under Section 6.02 will be voided as result of the failure to properly file a substantial progress affidavit or notice of completion, an imminent peril to the public health, safety, and welfare, an urgent public necessity, and an emergency exist which require the commission to consider the adoption of this further emergency amendment of Rule 315.11.00.002(h).

This rule is promulgated under the authority of Section 6.02(a) and (c) of Article 4418(h), Vernon's Annotated Civil Statutes.

.002. Explanation of Applicability of the Act (h)(1). A person is eligible for an exemption certificate under Section 6.02 of the act for a pending project if:

(a) within 365 days immediately preceding the effective date of the act, the person initiated or continued the health care facility licensing application pro-

cess by submitting preliminary or final plans for a project to the proper state licensing agency, and

(b) within 365 days immediately preceding the effective date of the act, such agency took action tantamount to approval of said preliminary or final plans, and

(c) the person applied for an exemption certificate by midnight, September 25, 1975.

(2) *The holder of an exemption certificate granted under Section 6.02 of the act must meet each of the following three time limits (A, B, and C) or the certificate is void as a matter of law.*

(A) *If before February 1, 1976, the certificate holder has not begun development on the project, the certificate is void.*

(B) *If before January 15, 1977, the certificate holder has not placed on file with the commission an affidavit from the building department having jurisdiction indicating that substantial progress has been made towards completion of the project, the certificate is void. In addition, for structures of more than three stories if the certificate holder has not filed with the commission by January 15, 1977, a contractor's schedule of work and if the certificate holder has not submitted every three months thereafter, until completion, evidence indicating that the construction is progressing on that schedule, the certificate is void.*

In jurisdictions not having a building department, the certificate holder shall timely file evidence in affidavit form demonstrating that substantial progress has been made. "Substantial progress" means: completion of the foundations and footings; structural frame; the mechanical, electrical, and plumbing rough-in; rough flooring; the exterior walls and windows; and the finished roof.

(C) *If before March 1, 1978, the certificate holder has not placed on file with the commission a valid notice of construction completion indicating a completion date of not later than January 15, 1978, and certifying that the completed project is within the scope of the previously submitted and approved preliminary plans, the certificate is void.*

A valid notice of construction completion submitted to the commission prior to the substantial progress time limit required by Section 6.02 of the act shall fulfill the requirement of filing a substantial progress affidavit.

(3) *An exemption certificate issued under this section shall be applicable only to that portion of the project actually completed within the time limits prescribed in (2)(A), (B), and (C).*

(4) *The commission may extend the foregoing limits by not more than a total of one year if good cause is shown why an extension should be granted.*

(5) *For purposes of complying with the reporting requirements of Section 6.02(a) of Article 4418(h), Vernon's Annotated Civil Statutes, and this rule, the commission may consider compliance to be either:*

(A) *the filing of an affidavit of substantial progress or notice of completion by August 1, 1977, at 5 p.m.; or*

(B) *the licensure by the appropriate state licensing agency before January 15, 1977, of the health-care facility or specific portion of the facility authorized by the exemption certificate.*

Issued in Austin, Texas, on June 2, 1977.

Doc. No. 772730 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: June 3, 1977

Expiration Date: September 30, 1977

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

Procedures 315.13.00

Pursuant to Section 3.08(b) of Article 4418(h), Vernon's Annotated Civil Statutes, the commission has adopted for the review of a certificate of need application by a health systems agency. In order to facilitate upcoming reviews and to insure that the health systems agency has direct access to all matters pertaining to a certificate of need application, the commission adopts the following emergency amendment to Rule 315.13.00.008. The commission finds that an imminent peril to the public health, safety, and welfare, an urgent public necessity, and an emergency exist, which require adoption of this emergency amendment.

This rule is promulgated under the authority of Section 3.08(b) of Article 4418(h), Vernon's Annotated Civil Statutes.

.008. *Health Systems Agency Review-- Certificate of Need.* The *applicant* [commission] shall transmit a copy of an application for a certificate of need to the appropriate HSA [no later than the date it forwards the notification of hearing to the applicant]. The health systems agency shall consider said application pursuant to rules established by the commission and forward its recommendations, if any, in the form prescribed by the commission to be received by the commission no later than the 45th day from the signing and dating of said application by the chairman.

Doc. No. 772712

General

Computing Time and Filing Extensions 315.14.01

It is the practice of the Texas Health Facilities Commission when issuing certificates of need and exemption certificates issued under the authority of Article 4418(h), Vernon's Annotated Civil Statutes, to prescribe time periods (sometimes referred to as time limits and time deadlines) for the development and completion of projects authorized by said exemption certificates and certificates of need. Confusion has arisen among certificate holders and the general public concerning the commencement of such time periods specified in Article 4418(h), Vernon's Annotated Civil Statutes, and in commission orders. Because of the larger number of exemption certificates and certificates of need that the commission has issued which contain development and completion time limits and time deadlines, the Texas Health Facilities Commission finds that an imminent peril exists to the public health, safety, and welfare, which requires the adoption of Emergency Rule 315.14.01.002. In order to insure that certificate holders and the public are on notice as to when time periods commence, the commission has adopted Emergency Rule 315.14.01.002.

This rule is promulgated under the authority of Sections 2.06(2) and 3.04(a) of Article 4418(h), Vernon's Annotated Civil Statutes.

.002. Commencement of Time Periods. A time period (sometimes referred to as a time limit or time deadline) imposed by the issuance of an order of the commission, shall commence when said order is no longer appealable.

Issued in Austin, Texas, on June 1, 1977.

Doc. No. 772713 Melvin Rowland
 Chairman
 Texas Health Facilities
 Commission

Effective Date: June 2, 1977

Expiration Date: September 29, 1977

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

Applications and Fees 315.14.02

Pursuant to Section 3.08(b) of Article 4418(h), Vernon's Annotated Civil Statutes, the commission has adopted rules for the review of a certificate of need application by a health systems agency. In order to facilitate upcoming reviews and to insure that the health

systems agency has direct access to all matters pertaining to a certificate of need application, the commission adopts the following emergency amendment of Rule 315.14.01.001. The commission finds that an imminent peril to the public health, safety, and welfare, an urgent public necessity, and an emergency exist, which require adoption of this emergency amendment.

This rule is promulgated under the authority of Sections 2.06(2) and 3.04(a) of Article 4418(h), Vernon's Annotated Civil Statutes.

.001. Applications.

(a) Typewritten or printed. All letters of intent and applications submitted to the commission shall be typewritten or printed. If typewritten, the impression shall be on one side of the paper, and lines shall be double-spaced on all attachments. Mimeographed, multigraphed, hectographed, photostated or planographed papers, and the like, will be accepted as typewritten. If printed, the paper will be unglazed, and the printing shall be in clear type, adequately leaded.

(b) Size of papers and materials submitted. All papers, including attachments, shall be cut or foiled so as not to exceed a width of 8-1/2 inches and a length of 14 inches. Attachments shall have inside margins not less than one inch wide.

(c) **Copies.** *The original and one copy of an application for a certificate of need, exemption certificate, or declaratory ruling must be submitted to the commission. One copy of a certificate of need application must be submitted concurrently to the HSA. Copies of written materials subsequently submitted to the commission must be forwarded to the HSA by parties to a certificate of need application.*

(c) Number of copies. All applications for certificate of need, exemption certificate, or declaratory ruling must include the original and two complete copies of the application and supporting materials before any action will be taken by the commission. Upon acceptance, one copy of the complete application for certificate of need plus copies of Forms 20, 22, and 23 will be forwarded to the appropriate health systems agency by the commission.)

(d) Forms. All applications for declaratory rulings, exemption certificates, and certificates of need must be prepared in the form and contain the information required by the commission.

(e) Letters of intent. *A letter of intent (THFC Form 20) must be filed with the appropriate HSA at least 15 days prior to the submission of a certificate of need application to the commission. The letter of intent must be forwarded to the HSA either by certified mail or hand delivered with receipt being acknowledged in writing by the HSA. A copy of both the letter of intent and either the return receipt or written acknowledgement must be included in the*

application for certificate of need submitted to the commission. Failure to comply with this provision shall constitute a deficiency which will result in rejection of the certificate of need application. This rule shall become effective on July 1, 1977. [A letter of intent (THFC Form 20) shall be filed for construction projects at the earliest possible opportunity in the course of planning such construction projects. These forms are available at the commission and must be submitted prior to the filing of an application for a construction project. A copy of the letter of intent will be forwarded to the appropriate health systems agency.]

Issued in Austin, Texas, on June 1, 1977.

Doc. No. 772714 Melvin Rowland
Chairman
Texas Health Facilities
Commission

Effective Date: July 1, 1977

Expiration Date: October 28, 1977

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

Texas Private Employment Agency Regulatory Board

Procedures and Regulations 398.01.00

The Texas Private Employment Agency Regulatory Board is promulgating emergency amendments to Rule 398.01.00.009 to become effective immediately upon filing with the secretary of state. This emergency provision is deemed to be in the public interest since any delay in the adoption of the rule will preclude licensed private employment agencies from using the additional appellations, as proposed, in telephone yellow pages, directories, etc. Scheduled deadlines for those publications will expire prior to action by the Texas Private Employment Agency Regulatory Board in their regular course of business.

This rule is promulgated under the authority of Article 5221a-6, Texas Civil Statutes.

.009. Advertising.

(a) All employment agencies licensed under this act shall in all advertising, including but not limited to newspapers or other publications, billboards, radio, television, cards, printed notices, circulars, contracts, letterheads, and all other material made available for public distribution, except envelopes, plainly and clearly disclose that the advertising is for an employment agency. The following appellations only shall

satisfy this requirement: employment agency, employment service, personnel service, personnel consultants, personnel agency, placement service, employment consultants, *artists' manager*, *placement agency*, executive selection or executive search consultants.

(b) *Any person who publishes any form of advertisement, including but not limited to trade publications, directories, and circulars, which pictures or lists applicants available for employment must fully disclose the name and address of the licensed private employment agency soliciting such employment. The above regulation is not applicable to publishing companies who publish, sell, and distribute a directory of paid advertisements by or on behalf of individuals who are seeking employment. Contact information must include the name and address of the individual and/or the name and address of the licensed private employment agency representing such individual. No fee can be collected by the publisher from the party placing such advertisement other than the published advertisement rates.*

(c) *A licensed private employment agency who advertises in any form of advertising media that they represent an employer or employers must possess direct tangible evidence that each such employer or employers have contacted the agency via direct communication requesting their services to furnish or refer qualified applicants for employment.*

(d) *All licensed private employment agencies who use the phrase "licensed and bonded" in advertising, stationery or other printed matter must follow such phrase with "Private Employment Agency." Present supplies of stationery, business cards, etc. can be used until they are depleted. Directory information should be changed at the next reprinting.*

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

Doc. No. 772726 Joe Saar
Acting Chairman
Texas Private Employment
Agency Regulatory Board

Effective Date: June 2, 1977

Expiration Date: September 29, 1977

For further information, please call (512) 475-7026.

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

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

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

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

Board of Pardons and Paroles

Parole

Terms and Conditions of Parole

205.03.02

The Texas Board of Pardons and Paroles is proposing to adopt Rule 205.03.02.007 for non-reporting status. The purpose of the new non-reporting status is to provide increased incentive for successful rehabilitation to those parolees on annual report status by providing a method for discontinuing supervision upon a showing by the parolee of exemplary conduct for a set period.

The board plans to adopt these proposed rules 30 days after the date of this publication. Public comment on Proposed Rule 205.03.02.007 is invited. Persons should submit their comments in writing to John G. Jasuta, Staff Attorney, Board of Pardons and Paroles, Room 711, Stephen F. Austin Building, Austin, Texas 78701. Comments will be accepted until 25 days after publication.

This rule is proposed under the authority of Article 42.12, Texas Code of Criminal Procedure, sections 15(d) and 20.

.007. *Non-reporting Status.*

(a) Non-reporting status is a parolee status which releases the parolee from the terms and conditions of annual report status and is conditional upon the parolee's acceptance of and compliance with the non-reporting status rules.

(b) A parolee may be considered for non-reporting status upon the recommendation of his or her parole officer after having been on annual report status for four years.

(c) There has been no disciplinary action taken for that period.

(d) There have been no convictions for violations of the penal law, either of the felony or misdemeanor grade.

(e) A recommendation for transfer to non-reporting status must be approved by the executive director of the Board of Pardons and Paroles or his or her designated representative.

(f) Transfer to non-reporting status in no way affects the authority of the governor to revoke a parole. The parolee shall remain subject to the jurisdiction of the board and subject to its orders while on non-reporting status.

(g) A parole panel may, at its discretion and without notice, set aside an order of transfer to non-reporting status and impose any additional rules or parole as the parole panel may deem to be proper.

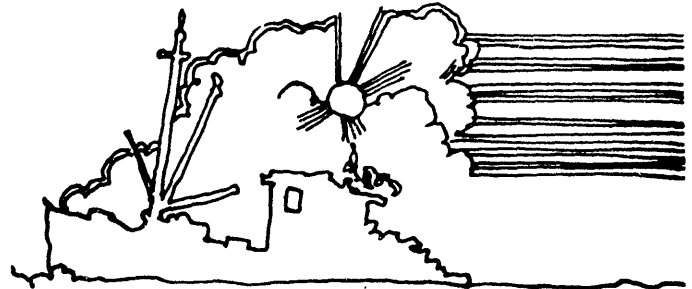
(h) The rule for a parolee on non-reporting status is: The parolee will in all respects conduct himself or herself honorably, obey all federal, state, and municipal laws and ordinances; work diligently at a lawful occupation; and support his or her dependents, if any, to the best of his or her ability.

Issued in Austin, Texas, on May 31, 1977.

Doc. No. 772710 Paul F. Cromwell, Jr.
Chairman
Board of Pardons and Paroles

Proposed Date of Adoption: July 10, 1977

For further information, please call (512) 475-4525.



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.

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Texas Education Agency

State Commissioner of Education

Adoptions by Reference: General 226.13.90

The Texas Education Agency has amended Rule 226.13.90.040, the permanent adoption by reference of the *Network-System Plan for Computer Services*. The plan has been updated.

The rule is adopted with no change from the text proposed.

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

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

Issued in Austin, Texas, on June 3, 1977.

Doc. No. 772731 M. L. Brockette
Commissioner of Education

Effective Date: June 23, 1977

For further information, please call (512) 7077.

Office of the Governor

Criminal Justice Division

Rules and Regulations of the Criminal Justice Division 001.55.02

The Law Enforcement Assistance Administration, under the authority of Public Law 93-83, Crime Control Act of 1973; Public Law 94-503, Crime Control Act of 1976; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974, has issued Guideline G7140.1B, Distribution, Resolution, and Clearance of Audit Reports, dated April 5, 1977, which is required to be implemented on the issue date. The guideline was delivered to the Criminal Justice Division subsequent to April 5, 1977.

The Criminal Justice Division, under the authority of Public Law 90-351, Title I, Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 91-644, Omnibus Crime Control Act of 1970, and Public Law 93-83, Crime Control Act of 1973; Public Law 94-503, Crime Control Act of 1976; and Public Law 93-415, Juvenile Justice and Delinquency Prevention Act of 1974; and rules and guidelines promulgated by the Law Enforcement Assistance Administration; and the provisions of Section 10(a)(3), Article 6252-13a, Vernon's Annotated Civil Statutes, adopts by reference G7140.1B, and amends Rule 001.55.02.006, LEAA Guidelines Adopted by Reference, by adding a new subsection, (sss). (Guideline G7140.1B carries an automatic cancellation of G7140.1A, which was adopted by reference as subsection (z).)

.006. *LEAA Guidelines Adopted by Reference.*

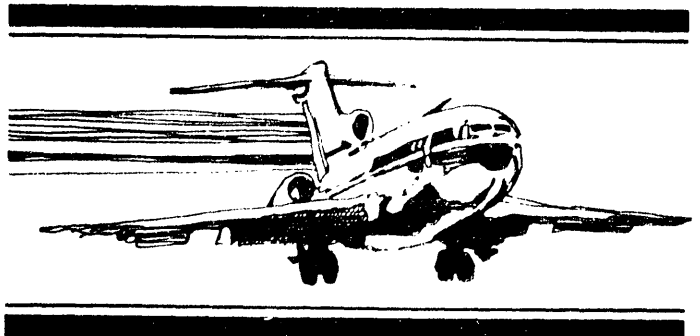
(sss) G7140.1B, Distribution, Resolution, and Clearance of Audit Reports.

Issued in Austin, Texas, on May 31, 1977.

Doc. No. 772754 Robert C. Flowers
Executive Director
Criminal Justice Division

Effective Date: April 5, 1977

For further information, please call (512) 475-6065.



Board of Pardons and Paroles

General Provisions

Parole Commissioners 205.01.02

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

.004. Duties of Parole Commissioners. Parole commissioners shall personally interview inmates of the Texas Department of Corrections for parole at all units of the Texas Department of Corrections and shall, acting in panels as set out in Rules 205.01.03.001-.005, recommend the grant, denial, or revocation of parole to the governor.

.005. Minimum Workload. Parole commissioners shall conduct interviews on all units of the Texas Department of Corrections for the purpose of recommending the grant, denial, or revocation of parole no less frequently than three working days per week, with exceptions as authorized by the Board of Pardons and Paroles.

.006. Administrative Duties of Parole Commissioners. Parole commissioners shall have no duties nor authority in the administration of the agency, formulation of agency policy, nor in matters of executive clemency except as may be delegated from time to time by the Board of Pardons and Paroles.

.007. Leave, Annual and Illness. Parole commissioners are authorized annual leave with pay for 30 calendar days per year. Except in the case of illness or for other reasons authorized by the Board of Pardons and Paroles, commissioners shall be on duty during all official working days.

.008. Travel. Parole commissioners may travel in performance of their duties to conduct interviews for the purpose of recommending the grant, denial, or revocation of parole and shall be reimbursed for such travel in the same manner and amounts as board members. Travel not directly related to the above duties must be authorized in advance by the Board of Pardons and Paroles.

.009. Designated Duty Stations. To provide efficient coverage and access to all units of the Texas Department of Corrections, the Board of Pardons and Paroles may change the designated duty station of any commissioner to any location within the state of Texas upon 60 days' written notice, except that one commissioner appointed by each appointing authority shall reside in Walker County.

Issued in Austin, Texas, on May 31, 1977.

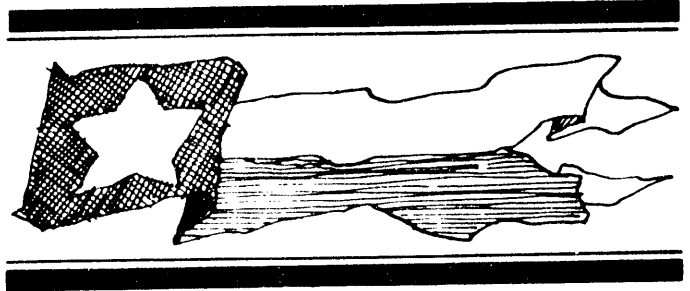
Doc. No. 772709 Paul Cromwell
Chairman
Board of Pardons and Paroles

Effective Date: June 21, 1977

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

Legislative Report

Delays in the availability of material have forced the postponement of publication of the final report on action taken by the Texas Legislature during the 65th Regular Session. The final report will be published as soon as information is available.



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*.

3rd Court of Civil Appeals American Biomedical Corporation v. Bullock

Plaintiff laboratory performed tests at the behest of a licensed medical practitioner, which tests included use of drugs or chemicals purchased by the laboratory for use in the tests themselves, the results of which were sold to the doctor and patient. The defendant taxed only the plaintiff's purchase of supplies (supplies to be used by the defendant and not by the direction of a licensed practitioner of the healing arts). The plaintiff paid sales tax under protest and sued to recover. The trial court entered a judgment for the defendant.

Held: Affirmed. The plaintiff is not entitled to an exemption under Article 20.04(M), Taxation-- General, which exempts from taxation drugs and medicines prescribed or dispensed by a licensed practitioner. Here drugs or reagents used in tests were not prescribed or dispensed by a licensed practitioner. (14 TLWD 22, at 5)

Filed: May 11, 1977, Austin
Doc No 2C53

Employees Retirement System v. McDonald

Right of appeal within an administrative agency is an adequate remedy sufficient to justify denial of application for a writ of *mandamus*. (14 TLWD 22, at 5)

Filed: May 18, 1977, Austin
Doc. No. 2C54

Sheffield v. Briscoe

Plaintiffs brought this action for a declaratory judgment and to enjoin the Commissioner of Education from determining the amount of local funds assigned to each school district of the state without first adjusting the reported property values to equalize local school district efforts. The trial court dismissed.

Held: Affirmed. The purpose of this suit against state officials was to control the action of the state and therefore cannot be maintained without the consent of the legislature. (14 TLWD 22, at 6)

Filed: April 20, 1977, Austin
Doc. No. 2C55

6th Court of Civil Appeals Midway Protective League v. City of Dallas

In the absence of a direct attack, a zoning ordinance in its entirety is protected (from an attack that it was an exercise of municipal authority void for want of jurisdiction) by a presumption of validity.

Deviation of an ordinance from a description of the notice (here by addition of "dry" to the suffix to the zoning classification of a proposed development district) and discussions at the statutory hearing is permissible unless changes become so substantial that the proposal made can be said to be a new one. (14 TLWD 22, at 5)

Filed: April 19, 1977, Texarkana
Doc. No. 2C56

10th Court of Civil Appeals Brown v. City of Dallas

After depositing the amount of condemnation award into the court, the City of Dallas secured an order of possession from the judge of the county court at law, but no writ of possession was ever issued pursuant to such order.

Held: The order issued by the county court at law, absent a writ of possession, does not entitle the city to take possession. (14 TLWD 22, at 4)

Filed: April 14, 1977, Waco
Doc. No. 2C57

11th Court of Civil Appeals

Artcarved Class Rings, Inc. v. City of Austin

A declaration in a city ordinance (or statute) that an "emergency exists" is binding on the courts and not subject to review. The determination of emergency by a legislative body is conclusive and not subject to review. (14 TLWD 22, at 5)

Filed: May 19, 1977, Eastland
Doc. No. 2C58

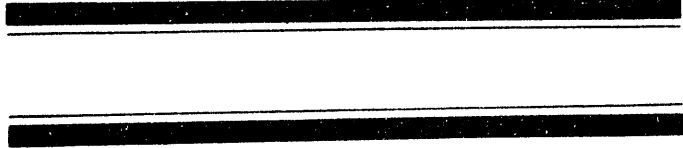
correct a malfunction of a traffic light within a reasonable time after the proper governmental unit receives "notice" of such malfunction. "Actual notice" of the malfunction is not required in order to subject the Texas Highway Department to liability for the plaintiff's injuries. All that is required to render the highway department liable in this case is that the "malfunction shall not be corrected by the governmental unit responsible within a reasonable time after notice." This is not a "premise defects case" or a removal or destruction case, and the type of notice required in such cases is not reached here. (14 TLWD 22, at 4)

Filed: April 14, 1977, Corpus Christi
Doc. No. 2C59

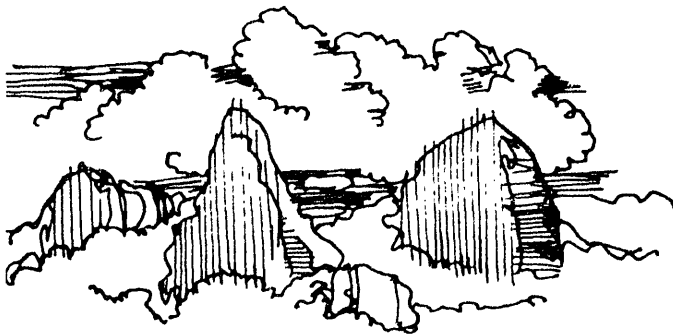
13th Court of Civil Appeals

State v. Norris

Provisions of the Tort Claims Act, insofar as those applicable to this case are concerned, provide for governmental liability on any claim arising out of a failure to



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



Texas Animal Health Commission

Meeting

A meeting of the Texas Animal Health Commission will be held on Wednesday, June 15, 1977, 9 a.m., in Room 618, Stephen F. Austin Building, Austin.

The agenda includes: review of Fiscal Year 1979-80 appropriation; consideration of proposed fever tick research; review of the Tick Policy Agreement; a request for permission to ship cattle to Mexico; consideration of scabies (Hill Farms Feedlot); review of plans for awards to employees; a review on pseudorabies; consideration of a proposal to rescind Proclamation 414 (Pullorum-Typhoid); consideration of a proposal to amend Proclamation 385; consideration of a proposal to amend Proclamation 420; discussion of New Mexico brand certificates; and discussion of rewriting present brucellosis regulations.

Additional information may be obtained from Jo Anne Conner, 1020 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-4111.

Filed: June 6, 1977, 10:03 a.m.

Doc. No. 772760

Coordinating Board, Texas College and University System

Meeting

A meeting of the Program Development Committee of the Coordinating Board, Texas College and University System will be held on Tuesday, June 21, 1977, 10:30 a.m., in Room 239, Airport Marina Hotel, Dallas/Fort Worth Airport.

The agenda includes: consideration of requests for Southwest Texas State University, deferred from the board meeting on April 22, 1977; consideration of Masters degree requests from Southwest Texas State University; review of institutional profiles and consideration of degree program requests for Angelo State University and for the University of Texas at El Paso; and consideration of requests for Master of Science in Nursing degrees from the University of Texas at Arlington, at El Paso, Health Science Center at Houston, and Medical Branch at Galveston, and West Texas State University. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-4361.

Filed: June 3, 1977, 11:23 a.m.

Doc. No. 772736

Texas Education Agency

Meeting

A meeting of the State Board of Education of the Texas Education Agency will be held on Saturday, June 11, 1977, 8:30 a.m., at 150 East Riverside Drive, Austin.

The agenda includes consideration of the following matters: agency administration; appeals on decisions of the commissioner; good neighbor scholarships; the State Plan for Vocational Education; a response to Advisory Council Recommendation 1.4; teacher certification; youth group visits before the board; report of the Commissioner of Education concerning shortages of

textbooks in regional education service centers; membership of the board; mineral leases by school districts; duties and responsibilities of the commissioner; aerospace-aviation education; conservation and environmental education; requirements for teacher certification; hearings regarding policies, administrative procedures, and state plans; membership in NASBE; program budgets for Fiscal Year 1977; a request to use state appropriated funds as required by the National School Lunch Act; the program budget for Computer Services; hearings for contested cases arising under the Proprietary School Act; appeals for contested cases arising under the Proprietary School Act; hearings and appeals generally; extension of three expired terms for the State Commission on School Accreditation; permanent school fund; a request for a finding to hold another position under the United States; and other business. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 2, 1977, 2:02 p.m.

Doc. No. 772725

Texas Department of Health Resources

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas State Board of Health Resources of the Texas Department of Health Resources held on Saturday, June 4, 1977, 9 a.m., in the board room, 1100 West 49th Street, Austin, to include consideration of the reappropriation of Fiscal Year 1977 chest hospital funds to the Bureau of Tuberculosis Services.

Additional information may be obtained from Jimmy Helm, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7325.

Filed: June 3, 1977, 4:06 p.m.

Doc. No. 772759

Hearing

A hearing by the Texas Department of Health Resources will be held on Friday, June 24, 1977, 9:30 a.m., in the auditorium, 1100 West 49th Street, Austin.

The department will consider proposed new rules covering sanitary conditions in barber shops, barber schools and colleges, and beauty parlors. These rules will cover sanitary water supplies, sewerage facilities, toilet facilities, instrument disinfection, and laundering of towels. These proposed rules were published in Volume 2, Number 41 (May 24, 1977) of the *Texas Register* under Rule 301.76.07.

Additional information may be obtained from Jimmie Dickens, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7521.

Filed: June 3, 1977, 11:41 a.m.

Doc. No. 772746



State Board of Insurance Meeting

A meeting of the State Board of Insurance will be held on Tuesday, June 21, 1977, 2 p.m., in Room 408, 1110 San Jacinto, Austin, to hear the commissioner's report.

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

Filed: June 6, 1977, 11:01 a.m.

Doc. No. 772762

Prehearing Conference Rescheduled

A prehearing conference by the State Board of Insurance will be held on Wednesday, June 22, 1977, in Room 408, 1110 San Jacinto, Austin, on the fire rate rehearing. The conference was originally scheduled for June 14, 1977.

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

Filed: June 6, 1977, 11:01 a.m.

Doc. No. 772763

Board for Lease of University Lands

Meeting

A meeting of the Board for Lease of University Lands of the University of Texas System will be held on Friday, June 10, 1977, 2:30 p.m., in the 8th floor conference room, Stephen F. Austin Building, Austin.

The board will take action on the following matters: the proposed sale of oil and gas leases on university lands; the application of Superior Oil Company for Proposed Gas Pooling Agreement Number 1 University "P", Section 28, Block 18, U.L., Ward County (Unit Agreement Number 144); and a recommendation for an amendment to the gas purchase contract with Intratex Gas Company. The board will hear reports on commingling of production, and will discuss and take possible action on an application for an amendment to Ward Estes North Consolidation Agreement, Ward County (Exxon, Operation, Unit Agreement Number 18).

Additional information may be obtained from Maxine Dean, P.O. Box 7968, Austin, Texas 78712, telephone (512) 471-5781.

Filed: June 6, 1977, 10:43 a.m.

Doc. No. 772761

State Board of Morticians Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Morticians held on Wednesday, June 8, 1977, at the Hotel Palacio Del Rio, 200 South Alamo, San Antonio.

The following persons also appeared before the board: Michael Jamison, requesting credit for time served on his funeral director's apprenticeship, and John E. O'Neal, applying for reciprocity. In addition, the board considered a request by Isabel Luna, to extend her embalmer and funeral director apprenticeship.

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

Filed: June 6, 1977, 11:42 a.m.

Doc. No. 772764

Texas Municipal Retirement System

Meeting

A meeting of the Board of Trustees of the Texas Municipal Retirement System will be held on Saturday, June 18, 1977, 9 a.m., in the Coronado Room, Sheraton-Marina Inn, 300 North Shoreline Boulevard, Corpus Christi.

The board will: consider and pass on applications for benefits; review and act on financial statements, investment reports, and other reports of the director, legal counsel, and independent auditors; consider and fix contribution rates of participating municipalities for the year 1978, as calculated by the actuary; consider adoption of the 1976 Annual Report; consider and make a selection of independent auditors for Fiscal Year 1977; consider actuarial reports and adopt new mortality tables; adopt a resolution to grant increased retirement annuities; adopt death benefit rates for active and retired members; consider revising rates for the supplemental disability benefits fund; consider reports on building progress, as presented by the director and the architect; and consider other business.

Additional information may be obtained from Jimmie L. Mormon, 500 Perry-Brooks Building, Austin, Texas 78701, telephone (512) 476-7577.

Filed: June 3, 1977, 12:37 p.m.

Doc. No. 772755

North Texas State University

Meetings

Various committee meetings and meetings of the Board of Regents of North Texas State University and North Texas State University Texas College of Osteopathic

Medicine will be held on Thursday and Friday, June 16 and 17, 1977, in the board room on the second floor of the Administration Building (unless otherwise indicated), NTSU campus, Denton. The agenda follows.

Thursday, June 16, 1977

11 a.m., Role and Scope Committee-- consideration of personnel matters

1 p.m., Facilities Committee-- consideration of legal, personnel, and real estate matters

2 p.m., Board of Regents-- consideration of legal, personnel, and real estate matters (executive session)

4 p.m., Role and Scope Committee and Budget and Finance Committee-- consideration of personnel matters

4:45 p.m., Budget and Finance Committee (Conference Room 205, Administration Building)-- consideration of personnel matters

7 p.m., Board of Regents (Golden Eagle Suite A, University Union)-- consideration of: personnel changes, additions, etc.; promotion and tenure recommendations for 1977-78; professor emeritus recommendations; organization policy; room service rate, student health service fee, and student union fee increases; scholarship awards from forfeited property deposits; budget for the Office of Vice-President for Administrative Affairs; and committee reports (executive session)

Friday, June 17, 1977

9 a.m., Board of Regents (reconvene in board room, Administration Building)-- continuation of Thursday's meeting

9 a.m., Board of Regents, Texas College of Osteopathic Medicine-- consideration of president's recommendations (personnel changes, additions, resignation, etc.) and committee reports

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

Filed: June 3, 1977, 10:33 a.m.

Doc. No. 772733

Texas Optometry Board Meeting

A meeting of the Texas Optometry Board will be held on Saturday through Monday, June 11-13, 1977. The agenda follows.

Saturday, June 11, 1977-- Marriott Hotel (near the Astrodome), Houston

2:30 p.m.-- Continuing Education Committee meeting

3 p.m.-- General business meeting, to include the following: secretary-treasurer's report; setting renewal fee for 1978; discussion regarding advertising permit; report of counsels; and legislative report

3:30 p.m.-- Hearing regarding cancellation of license of James Lee, O.D.

Following general business meeting-- Committee meetings, as follows: Administrative, Accreditation of Colleges, Continuing Education, Examination, and Investigation-Enforcement

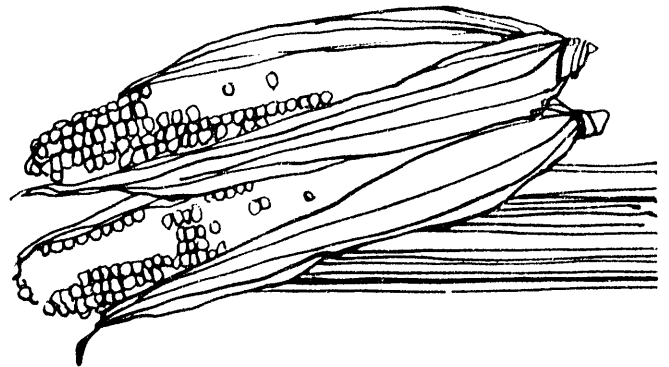
Sunday and Monday, June 12-13, 1977-- University of Houston College of Optometry

Administer board examinations

Additional information may be obtained from Lois Ewald, Room 115, 603 West 13th Street, Austin, Texas 78701, telephone (512) 475-4133.

Filed: June 2, 1977, 2:02 p.m.

Doc No 772724



Texas Parks and Wildlife Department

Hearing

A hearing by the Parks Division of the Texas Parks and Wildlife Department will be held on Thursday, July 7, 1977, 2:30 p.m., in Room A-100 of the Headquarters Building, 4200 Smith School Road, Austin, to consider the Development Concept Plan for Fulton Mansion State Historic Site, Aransas County. Development will consist of restoration of the structure, adaptive use of selected rooms, site development for operational requirements, and an Interpretive Program.

Additional information may be obtained from Dr. Harold D. Toy, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4995.

Filed: June 3, 1977, 11:31 a.m.
Doc. No. 772744

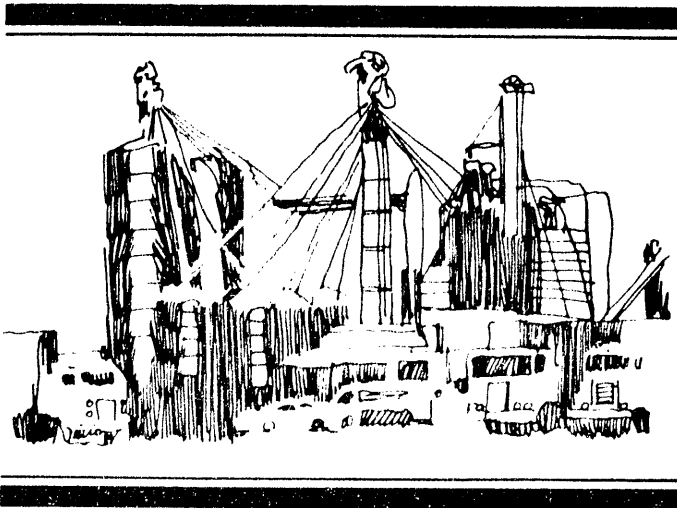
Public Utility Commission of Texas

Meeting

A meeting of the Public Utility Commission of Texas will be held on Wednesday, June 15, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider the application of the Lower Colorado River Authority for a rate increase (Docket 366).

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed June 3, 1977, 11:23 a.m.
Doc No. 772734



Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, June 20, 1977, 1:30 p.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, regarding an inquiry by the commission into the propriety of rates charged by Tawakoni Water Utility Corporation, *et al.* (Docket 103).

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: June 3, 1977, 11:23 a.m.
Doc. No. 772735

Railroad Commission of Texas

Emergency Additions to Agenda

Emergency additions were made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas held on Monday, June 6, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The additions included consideration of the following matters: requests of Sun Oil Company for special field rules for various Katy Fields in Waller County and for various Seeligson Fields in Jim Wells County; requests of Exxon for special field rules for Pita, N.W. (G-63) Field in Brooks County, Tenerias (7920) Field in Kenedy and Willacy Counties, and Stillman (Shallow) Field in Kenedy County; and an application by Cabot Corporation, Rule 37 case, Galveston Island (Discorbis-5) and Wildcat (above 8000') Fields, Galveston County.

Additional information may be obtained from Fred Young or Luci Castleberry, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-6155 or 475-3003.

Filed: June 3, 1977, 11:27 a.m.
Doc. No. 772737

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Transportation Division of the Railroad Commission of Texas held on Monday, June 6, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of the application of Gordons Transport, Inc., Memphis, Tennessee, to amend ICC registration.

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

Filed: June 3, 1977, 11:27 a.m.
Doc. No. 772738

Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Monday, June 13, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to make a final decision on the appeal of Lone Star Gas Company from action by the City of Cooper, rejecting an application by Lone Star Gas Company for an increase in natural gas rates.

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

Filed: June 3, 1977, 11:28 a.m.

Doc. No. 772739

Addition to Agenda

An addition is being made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas to be held on Monday, June 13, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of the application of Wolfson Oil Company, Rule 37 case, Boonesvills Field, Wise County.

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

Filed: June 3, 1977, 11:28 a.m.

Doc. No. 772740

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, June 13, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The commission will consider various uncontested applications to amend authority, for bus rate, to consolidate authority, to divide authority, to amend ICC authority registration, for ICC authority registration, to lease authority, for new authority, for interstate exempt authority, for rail rate, for reinstatement, to sell authority, for truck rate, to transfer authority, and for voluntary suspension. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 3, 1977, 11:28 a.m.

Doc. No. 772741



Meeting

A meeting of the Liquefied Petroleum Gas Division of the Railroad Commission of Texas will be held on Monday, June 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The commission will consider license revocation of the following for failure to maintain insurance: Earl's Garage, Amarillo; Horn Mobile Homes, Lubbock; Graham Air Conditioning, Inc., Graham; Vernon Implement Company, Vernon; and Saunders Motor Company, Sherman.

Additional information may be obtained from Sharon Gillespie, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4352.

Filed: June 3, 1977, 11:44 a.m.

Doc. No. 772742

Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, June 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider various hearing applications and applications for administrative action. The complete agenda is posted in the East Wing of the State Capitol.

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

Filed: June 3, 1977, 11:29 a.m.

Doc. No. 772743

Texas State Board of Examiners in Social Psychotherapy

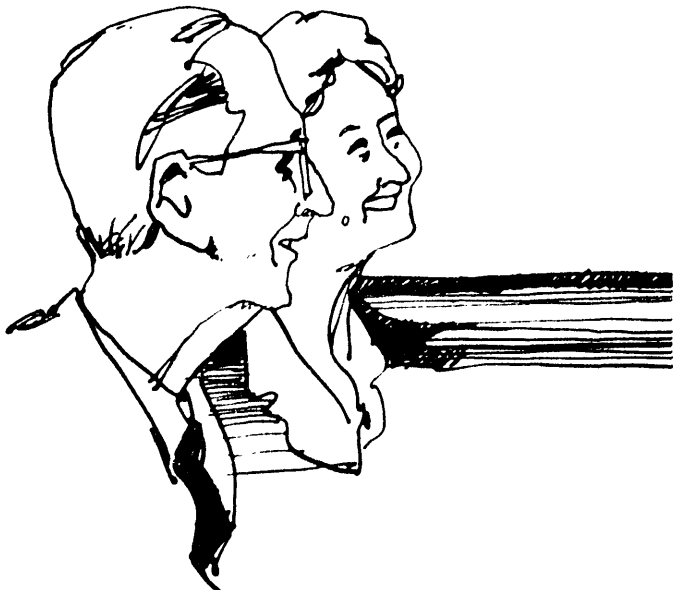
Meeting

A meeting of the Texas State Board of Examiners in Social Psychotherapy of the Texas Department of Health Resources will be held on Saturday, June 11, 1977, 10 a.m., in the 5th floor conference room, 1100 West 49th Street, Austin.

The agenda includes: the executive secretary's report; an executive session regarding complaints against licensed social psychotherapists; consideration of complaints against licensed social psychotherapists; consideration of applications for licensure; consideration of questions regarding the licensure and regulation of social psychotherapists; and a discussion of proposed changes in rules regarding the licensure and regulation of social psychotherapists.

Additional information may be obtained from Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7511.

Filed June 3, 1977, 11:41 a.m.
Doc No 772745



Teachers' Professional Practices Commission Hearing/Meeting

The Teachers' Professional Practices Commission of the Texas Education Agency will conduct a private hearing on Tuesday, June 14, 1977, 9 a.m., in the first floor conference room, 201 East 11th Street, Austin. A meeting will be held immediately following the hearing.

The agenda includes consideration of the following: commission subcommittee reports concerning Sections 13.201 through 13.218 of the Texas Education Code and concerning the Code of Ethics and Standard Practices for Texas Educators; a resolution from the Texas Classroom Teachers Association; meeting dates for the 1977-78 commission year; and miscellaneous discussion items identified by commission members.

Additional information may be obtained from Thomas E. Anderson, Jr., 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-6836.

Filed June 3, 1977, 8:42 a.m.
Doc. No 772729

Texas Water Quality Board Hearing

A hearing by the Enforcement Division of the Texas Water Quality Board will be held on Wednesday, June 29, 1977, 10 a.m., in the Houston-Galveston Area Council conference room, 3701 West Alabama, Houston.

The board will explore the status of compliance of Groendyke Transport, Inc., with the terms and conditions of Temporary Order 75-12E, which provides interim authorization for Groendyke Transport, Inc., to conduct its waste collection, treatment, and disposal activities at its transport vehicle washing facility located on the west side of State Highway 288 South, approximately two miles south of the City of Angleton in Brazoria County in the drainage area of Bastrop Bayou in the San Jacinto-Brazos Coastal Basin.

The board will also explore the status of compliance of Forest Cove Municipal Utility District with the terms and conditions of Permit 10807, which authorizes the discharge of treated municipal wastewater to irrigation on a golf course with excess wastewater discharged from a golf course lake to Lake Houston in the San Jacinto River Basin from district property located northeast of the City of Humble, Harris County, approximately 300 feet north of the intersection of Hamblen Road and Burning Tree Road.

The board is directing Groendyke Transport, Inc., and Forest Cove Municipal Utility District to appear at the enforcement hearing to show cause for failures to comply with the terms and conditions of Temporary Order 75-12E and Permit 10807. If violations of the order and permit are found, the board will consider appropriate enforcement actions.

The hearing on these matters may continue from time to time and from place to place, as necessary, to develop relevant data and information. The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Lee H. Mathews, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7861.

Filed: June 1, 1977, 9:09 a.m.
Doc. No. 772676

Texas Water Rights Commission

Addition to Agenda

An addition is being made to the agenda of a meeting of the Texas Water Rights Commission to be held on Monday, June 13, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, concerning the matter of the adjudication of water rights in the Concho River Watershed of the Colorado River Basin. The complete supplemental notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1977, 3:48 p.m.
Doc. No. 772756

Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, July 12, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission anticipates dissolving Burleson County Improvement District 1 for reasons of inactivity and

failure to perform any of the functions for which created during five consecutive years and having no outstanding bonded indebtedness.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1977, 3:48 p.m.
Doc. No. 772757

Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, July 26, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider the following applications: D. V. Livingston, Application 3765; Dallas Athletic Country Club, Application 3764; Felix Moczygomba, Application 3767; Oak Cliff Country Club, Application 3768; City of Aspermont, Application 3766; and an application by J. M. Frost III for an extension of time on Permit 1866A.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 3, 1977, 3:49 p.m.
Doc. No. 772758

Quasi-State Agencies

Meetings Filed June 3, 1977

The Coastal Bend Subarea Health Advisory Council, Plan Development Committee, will meet at the City-County Health Department, 1702 Horne Road, Corpus Christi, on June 10, 1977, at 12:30 p.m. Further information may be obtained from Harry Rosenzweig, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Concho Valley Council of Governments, General Assembly and Executive Committee, will meet at Spring Creek Ranch, 2.8 miles past Tankersley, on June 10, 1977, at 3 p.m. Further information may be obtained from James F. Ridge, 7 West Twohig Building, San Angelo, Texas 76903, telephone (915) 653-1214.

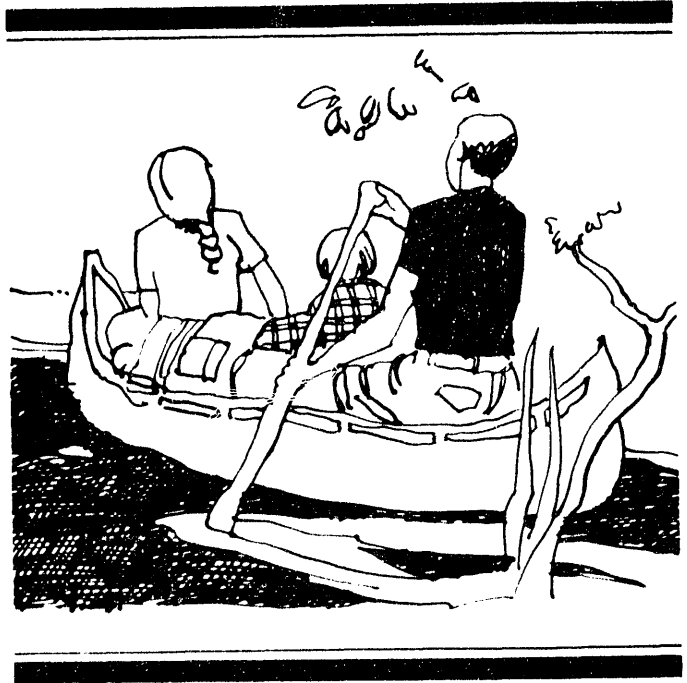
The Panhandle Regional Planning Commission, Panhandle Health Systems Agency, met at the Texas Tech Regional Academic Health Center, 1400 Wallace Boulevard, Amarillo, on June 9, 1977, at 7:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The South Plains Health Systems, Inc., Board of Directors, will meet at the Mahon Library, Avenue L and 19th, Lubbock, on June 23, 1977, at 6:30 p.m. Further information may be obtained from Ron Warner, 1217 Avenue K, Lubbock, Texas 79401, telephone (806) 747-0181.

The South Plains Association of Governments, Board of Directors, will meet in the SPAG conference room, 1611 Avenue M, Lubbock, on June 14, 1977, at 1:30 p.m. Further information may be obtained from Truett Mayes, 1611 Avenue M, Lubbock, Texas 79401, telephone (806) 762-8721.

The Tri-Region Health Systems Agency, Executive Committee and Board of Directors, met at the Hendrick Medical Center, 19th and Hickory, Abilene, on June 8, 1977, at noon and 1 p.m., respectively. Further information may be obtained from Jim Anderson, Suite B, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No 772732



Court of Criminal Appeals

Rule 13

The following is Rule 13, adopted by the Court of Criminal Appeals on June 1, 1977, and effective on that date:

Rule 13. All motions for extension of time under Section 16, Article 40.09, Vernon's Annotated Code of Criminal Procedure, effective May 25, 1977, shall be made in writing and shall be filed with the clerk of the Court of Criminal Appeals. Each such motion shall specify:

- (1) the last date for the filing of the item in question unless an extension is granted;
- (2) the length of time requested for the extension; and
- (3) the facts relied upon to show good cause for the requested extension.

Doc No 772747

Committee for Policy, Budget, and Finance-- second floor conference room, 158 East Riverside Drive

2 p.m. - 5 p.m.

Committee for Investment of Permanent School Fund-- second floor conference room, 150 East Riverside Drive

Committee for Priority, Accountability, and Accreditation-- board room, 150 East Riverside Drive

Committee for Special Schools will meet at the following times:

Regular Session: 1:30 p.m. - 2:30 p.m., second floor conference room, 158 East Riverside Drive, to discuss the Texas School for the Blind

Regular Session: 2:30 p.m. - 3:30 p.m., second floor conference room, 158 East Riverside Drive, to discuss the Texas School for the Deaf

Executive Session: 3:30 p.m. - 5 p.m., second floor conference room, 158 East Riverside Drive, to discuss personnel.

Filed June 2, 1977, 4 53 p.m.

Doc No. 772727



State Board of Education

Standing Committee Meetings

The following is the schedule for the State Board of Education standing committees meeting in Austin, June 10, 1977:

8:30 a.m. - noon

Committee for Programs and Personnel Development-- board room, 150 East Riverside Drive

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, exemption certificates, or administrative orders received during the period of May 24-30, 1977.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, 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 contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in Rule 315.07.01.001(a)(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it 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 315.07.01.001, 315.07.03.001, and 315.07.06.001.

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; DR indicates declaratory ruling; AO indicates administrative order.

St. Joseph Hospital, Bryan
 AH77-0512-005
 EC-- Replacement of monitors in coronary care unit

Burkburnett Nursing Home, Inc. doing business as Pioneer Manor (Henrietta) Nursing Home, Henrietta
 AN77-0526-010
 EC-- Change in level of care for entire 60-bed facility from ICF III to ICF-MR IV

Ridgeview Nursing and Convalescent Center, Wichita Falls
 AN77-0527-001
 EC-- Change in level of care of 50-beds from ICF III to skilled in a 148-bed ICF III facility

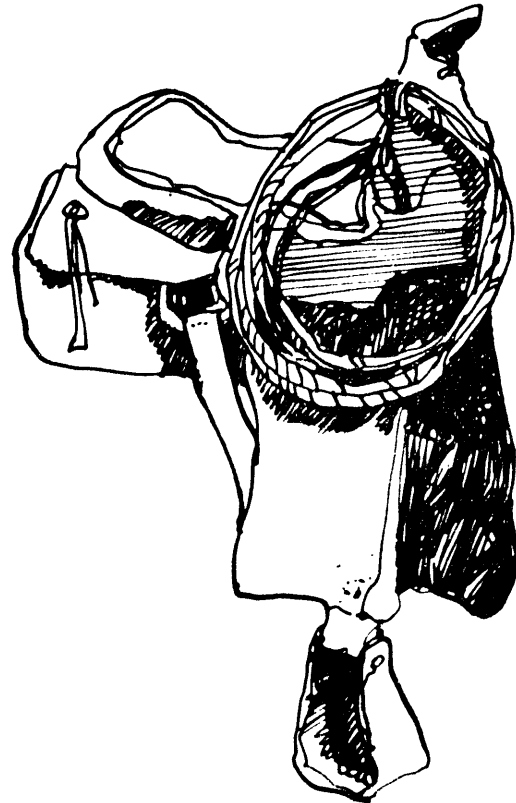
San Antonio State Chest Hospital, San Antonio
 AA77 0602-011
 EC-- Request for EC under Section 3.02(a)(4) of Article 4418(h), for the renovation of the northeast wing of Buildings 502 and 528 at San Antonio State Chest Hospital to comply with life safety code requirements

Issued in Austin, Texas, on June 2, 1977.

Doc No 772728 William D. Darling
 General Counsel
 Texas Health Facilities
 Commission

Filed: June 2, 1977, 4 55 p.m

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



Secretary of State

Agency Codes

The following is a list of agencies that have statewide authority. The *Register* has assigned each a three-digit code number for filing purposes. Agencies are generally grouped according to functional similarities.

001-500 Executive and Administrative Agencies

001-025 General Government

- 001 Governor
- 002 Lieutenant Governor
- 003 Attorney General
- 004 Secretary of State
- 005 Texas Department of Community Affairs
- 006 Advisory Council on Community Affairs
- 007 Texas Advisory Commission on Intergovernmental Relations
- 008 Office of State-Federal Relations
- 009 Texas Commission on Interstate Cooperation

026-050 Public Finance and Administration

- 026 Comptroller of Public Accounts
- 027 State Treasurer
- 028 State Board of Control
- 029 State Building Commission
- 030 Texas Surplus Property Agency
- 031 State Tax Board
- 032 Committee on State Revenue Estimates
- 033 Board to Calculate the Ad Valorem Tax Rate
- 034 State Depository Board
- 035 State Board of Canvassers
- 036 Board to Approve Contracts for Fuel and Public Printing
- 037 Board to Sell Judgments Against Insolvents

051-100 Economic Regulation

- 051 Railroad Commission of Texas
- 052 Texas Public Utilities Commission
- 053 Finance Commission of Texas
- 054 Banking Department
- 055 State Banking Board
- 056 Savings and Loan Department
- 057 Office of Consumer Credit Commissioner
- 058 Credit Union Commission
- 059 State Board of Insurance
- 060 Texas Alcoholic Beverage Commission
- 061 Industrial Accident Board
- 062 Occupational Safety Board
- 063 Texas Department of Labor and Standards
- 064 Performance Certification Board (Mobile Homes)
- 065 State Securities Board
- 066 Texas Amusement Machine Commission
- 067 Texas Motor Vehicle Commission
- 068 Burial Association Rate Board
- 069 Multistate Tax Compact Commission

101-125 Transportation and Economic Development

- 101 State Department of Highways and Public Transportation
- 102 Texas Turnpike Authority
- 103 Texas Industrial Commission
- 104 Texas Tourist Development Agency
- 105 Texas Aeronautics Commission
- 106 Engineering Extension Service
- 107 Board of Managers of the Texas State Railroad
- 108 Southern Interstate Nuclear Board
- 109 Advisory Council on Small Business Assistance
- 110 Texas Engineering Experiment Station and Texas Transportation Institute

126-175 Natural Resources and Conservation

- 126 General Land Office
- 127 Parks and Wildlife Department
- 128 Texas Water Development Board
- 129 Texas Water Rights Commission
- 130 Texas Water Quality Board
- 131 Texas Air Control Board
- 132 Texas Forest Service
- 133 State Soil and Water Conservation Board
- 134 Texas Coastal and Marine Council
- 135 School Land Board
- 136 Boards for Lease of State-Owned Lands
- 137 Board for Lease of University Lands
- 138 Texas Conservation Foundation
- 139 Texas Water Well Drillers Board
- 140 Canadian River Compact Commissioner for Texas
- 141 Pecos River Compact Commissioner for Texas
- 142 Red River Compact Commissioner for Texas
- 143 Rio Grande River Compact Commissioner for Texas
- 144 Sabine River Compact Commissioners for Texas
- 145 Gulf States Marine Commission
- 146 South Central Interstate Forest Fire Protection Compact
- 147 Interstate Oil Compact Commission
- 148 Submerged Lands Advisory Committee
- 149 Gulf States Marine Fisheries Commission
- 150 Governor's Energy Advisory Council
- 151 Interstate Mining Commission and Texas Mining Council
- 152 Interagency Council on Natural Resources and the Environment

176-200 Agriculture

- 176 Department of Agriculture
- 177 Texas Animal Health Commission
- 178 Texas Feed and Fertilizer Control Service
- 179 State Entomologist
- 180 State Seed and Plant Board
- 181 Natural Fibers and Food Protein Committee
- 182 Egg Marketing Advisory Board
- 183 Dairy Advisory Board
- 184 Pesticide Advisory Committee
- 185 Poultry Improvement Board
- 186 Pink Bollworm Commission
- 187 Agricultural Experiment Station
- 188 Agricultural Extension Service
- 189 Rodent and Predatory Animal Control Service

- 190 Veterinary Medical Diagnostic Laboratory
- 191 Cotton Research Committee
- 192 Texas Grain Sorghum Producers Board
- 201-225 Public Safety and Corrections**
- 201 Department of Public Safety
- 202 Texas Department of Corrections
- 203 Texas Youth Council
- 204 Adjutant General's Department
- 205 Board of Pardons and Paroles
- 206 National Guard Armory Board
- 207 Defense and Disaster Relief Council
- 208 Commission for the Texas Civil Air Patrol
- 209 Crime and Narcotics Advisory Commission
- 210 Commission on Law Enforcement Officer Standards and Education
- 211 Commission on Fire Protection Personnel Standards and Education
- 212 Interstate Civil Defense and Disaster Compact
- 213 Interstate Parole Compact
- 214 Vehicle Equipment Safety Compact Commission
- 215 Firemen's Training School Advisory Board
- 216 Research Advisory Panel-- Narcotics and Dangerous Drugs
- 217 Commission on Jail Standards
- 218 Texas Organized Crime Prevention Council
- 219 Texas Council for Input on Crime, Rehabilitation, and Prevention
- 226-250 Public Education**
- 226 Texas Education Agency
- 227 State Textbook Committee
- 228 State Board of Examiners for Teacher Education
- 229 Teachers' Professional Practices Commission
- 230 Advisory Council for Technical-Vocational Education
- 231 Proprietary School Advisory Commission
- 232 Education Commission of the States
- 233 Southern Regional Education Board
- 234 Real Estate Research Center
- 235 Joint Committee (State Board for Vocational Education; Coordinating Board, Texas College and University System; and Advisory Council for Technical-Vocational Education)
- 236 University Interscholastic League
- 251-300 Colleges and Universities**
- 251 Coordinating Board, Texas College and University System
- 252 Board of Regents of the University of Texas System
- 253 Board of Regents, Texas State University System
- 254 Board of Regents of Texas A&M University System
- 255 Board of Regents of East Texas State University
- 256 Board of Regents of Lamar University
- 257 Board of Regents of Midwestern State University
- 258 Board of Regents of North Texas State University
- 259 Board of Regents of Pan American University
- 260 Board of Regents, Stephen F. Austin University
- 261 Board of Directors of the Texas A&I University System
- 261 Board of Directors of Texas Southern University
- 263 Board of Regents of the Texas State Technical Institute
- 264 Board of Regents of the Texas Tech University
- 265 Board of Regents of the University of Houston
- 266 Board of Regents of West Texas State University
- 267 Board of Regents of the Texas Woman's University
- 268 Board of Regents of Texas Eastern University
- 269 Western Information Network Association
- 270 Texas Educational Knowledge Network Association
- 271 Southeast Texas Information Network Association
- 272 Northeast Texas Information Network Association
- 275 Miscellaneous Educational Institutions
- 301-325 Health and Hospitals**
- 301 Texas Department of Health Resources
- 302 Texas Department of Mental Health and Mental Retardation
- 303 Texas Commission on Alcoholism
- 304 Governor's Commission on Physical Fitness
- 305 Hospital Advisory Council
- 306 Hospital Licensing Advisory Council
- 307 Tuberculosis Advisory Committee
- 308 Radiation Advisory Board
- 309 Advisory Council on Youth Camp Safety
- 310 Sanitarian Advisory Committee
- 311 Anatomical Board of the State of Texas
- 312 Interstate Compact on Mental Health

- 313 State Rural Medical Education Board
 314 Advisory Committee on the Use of Synthetic Narcotic Drugs
 315 Texas Health Facilities Commission
 316 Texas Coordinating Commission for State Health and Welfare Services
- 326-350 Social Services and Benefits**
 326 State Department of Public Welfare
 327 Texas Employment Commission
 328 Texas Rehabilitation Commission
 329 State Commission for the Blind
 330 Veterans' Affairs Commission
 331 Veterans Land Board
 332 State Commission for the Deaf
 333 State Commission on Services to Children and Youth
 334 Teacher Retirement System of Texas
 335 Employees Retirement System of Texas
 336 Texas County and District Retirement System
 337 Texas Municipal Retirement System
 338 Firemen's Pension Commissioner
 339 Merit System Council
 340 Interstate Compact on Juveniles
 342 Texas Indian Commission
 343 Texas Committee on the Purchases of Blind-Made Products and Services
 344 Governor's Coordinating Office for the Visually Handicapped
- 351-375 Cultural and Historical**
 351 Texas Library and Historical Commission (Texas State Library)
 352 Texas Historical Commission
 353 Texas Commission on the Arts and Humanities
 354 Good Neighbors Commission
 355 Antiquities Committee
 356 Texas Historical Resources Development Council
 357 Records Preservation Advisory Committee
 358 Library Systems Act Advisory Board
 359 American Revolution Bicentennial Commission (of Texas)
 360 Commission of Control for the Battleship Texas
 361 Fannin State Battleground Advisory Commission
 362 John F. Kennedy Memorial Commission
 363 San Jacinto Historical Advisory Board
 364 Texas Stonewall Jackson Memorial Board
 365 Texas Navy, Incorporated
 366 The Admiral Nimitz Center
- 376-425 Examining Boards**
 376 Texas Board of Architectural Examiners
 377 Texas State Board of Landscape Architects
 378 State Board of Barber Examiners
 379 State Board of Examiners in the Basic Sciences
 380 State Board of Chiropractic Examiners
 381 Texas Cosmetology Commission
 382 State Board of Dental Examiners
 383 State Board of Registration for Professional Engineers
 384 State Board of Examiners in the Fitting and Dispensing of Hearing Aids
 385 State Board of Library Examiners
 386 Texas State Board of Medical Examiners
 387 State Board of Morticians
 388 Board of Nurse Examiners
 389 State Board of Tuberculosis Nurse Examiners
 390 Board of Vocational Nurse Examiners
 391 Texas Board of Licensure for Nursing Home Administrators
 392 Texas Optometry Board
 393 State Board of Pharmacy
 394 Texas Board of Physical Therapy Examiners
 395 Texas State Board of Plumbing Examiners
 396 State Board of Podiatry Examiners
 397 Polygraph Examiners Board
 398 Texas Private Employment Agency Regulatory Board
 399 Board of Private Investigators and Private Security Agencies
 400 Texas State Board of Examiners of Psychologists
 401 Texas State Board of Public Accountancy
 402 Texas Real Estate Commission
 403 Board of Examiners of State Land Surveyors
 404 State Board of Registration for Public Surveyors
 405 State Board of Veterinary Medical Examiners
 406 Texas Structural Pest Control Board
 407 Texas State Board of Examiners in Social Psychotherapy
- 501-599 Legislative Agencies**
 501 Legislative Audit Committee
 502 Legislative Budget Board
 503 Texas Legislative Council
 504 Legislative Library Board and Legislative Reference Library
 505 Legislative Redistricting Board of Texas
 506 Commission on Uniform State Laws
 507 Joint Advisory Committee on Government Operations

- 508 Senate
509 House of Representatives
- 600-700 Judicial Agencies**
- 600 Courts
601 State Bar of Texas
602 Texas Judicial Council
603 Judicial Qualifications Commission
604 Board of Law Examiners
605 State Law Library
606 State Prosecuting Attorney
- 701 Quasi-State Agencies**
- Councils of Governments
River Authorities
Water Districts
Development Councils
Planning Commissions
Area Councils
- 702 Miscellaneous Non-State Agencies**