

TEXAS REGISTER

TEXAS STATE LIBRARY

JUN 27 1977

TEXAS DOCUMENTS

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Comptroller's emergency rules concerning exemptions for churches or religious societies

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Office of the Secretary of State

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NOTES ON THE ISSUE

2454

The Texas Water Rights Commission has adopted on an emergency basis language which will allow for the expeditious handling of applications for temporary water use permits in certain cases. The amendment makes it possible for one of the commissioners or the executive director of the commission to provisionally approve an application for a temporary permit. A temporary permit approved in such a manner would revert immediately to the status of a pending application subject to a full hearing before the commission if water diversion authorized by the permit would be potentially harmful to other permit holders or water users. The commission also proposes the emergency language for permanent adoption.

The Texas Adjutant General's Department is proposing rules to govern the release of information to the public. The rules clarify that state statutes, not federal regulations, apply to the handling of requests for information from the Texas National Guard, as determined by the attorney general in Opinion H-782.

The Texas Education Agency has adopted amendments to its rule concerning requirements for teacher certification. The rule prescribes minimum academic requirements for certification, including certification in areas of specialization.

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

Artwork Gary Thornton

TEXAS REGISTER



Mark White
Secretary of State

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Mary Barrov

Linda Camp
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Requests for Opinions

Summary of Request for Opinion RQ-1655

Request for opinion sent to Attorney General's Opinion Committee by Felipe Reyna, District Attorney, McLennan County, Waco.

Summary of Request:

(1) Is the property of the Texas Municipal Power Agency subject to *ad valorem* taxation by any school district, city, or county?

(2) Is the basis for the Texas Municipal Power Agency's exemption from *ad valorem* taxation constitutional, so that any statute attempting to impose an *ad valorem* tax on the Texas Municipal Power Agency would be unconstitutional?

Doc No 772918

Summary of Request for Opinion RQ-1656

Request for opinion sent to the Attorney General's Opinion Committee by G. M. Sawyer, President, Texas Southern University, Houston.

Summary of Request: Does Texas Southern University have the power of eminent domain?

Doc No 772919

Summary of Request for Opinion RQ-1657

Request for opinion sent to the Attorney General's Opinion Committee by Commissioner Bob Armstrong, General Land Office, Austin.

Summary of Request: May the School Land Board trade for land pursuant to Article 5421c-13, Vernon's Texas Civil Statutes, and retain leasing rights?

Doc No 772920

Summary of Request for Opinion RQ-1658

Request for opinion sent to Attorney General's Opinion Committee by Romeo Flores, Jim Wells County Attorney, Alice.

Summary of Request: May a justice of the peace move his residence outside his precinct of election but within the same county and still serve out the remainder of his four-year term of office?

Doc No 772921

Summary of Request for Opinion RQ-1659

Request for opinion sent to the Attorney General's Opinion Committee by Chris A. Mealy, County Attorney, Llano County, Llano.

Summary of Request: May a county validly lease school lands with an option to renew the lease for a price at least as high as any other bona fide offer?

Doc No 772942

Summary of Request for Opinion RQ-1660

Request for opinion sent to the Attorney General's Opinion Committee by William Hobby, Lieutenant Governor of Texas, and Bill Clayton, Speaker of the House, Austin.

Summary of Request:

(1) May the legislature, in exercising its duty under Section 1, Article 8, of the Texas Constitution, to provide by law how value is to be ascertained for *ad valorem* tax purposes, constitutionally provide that land used to produce agricultural products be valued for *ad valorem* tax purposes according to some standard of value other than market value, such as valuation on the basis of use or capability to produce agricultural products?

(2) If answer to question 1 is negative, could the legislature constitutionally provide for use of a standard of value other than market value for taxation of agricultural land if Section 1(d), Article 8, of the Texas Constitution were repealed?

(3) May the legislature, by statute, constitutionally provide that single-family residences be valued for tax purposes on the basis of a percentage of market value?

(4) If the answers to questions 1 and 2 are negative, and/or the answer to question 3 is negative, then, as the case may be, may the legislature, by statute, constitutionally provide for use of a standard of value other than market value of agricultural land, or provide that single-family residences be valued on the basis of a percentage of market value, in writing a formula for the distribution of state aid for public school purposes?

Doc No 772941

Summary of Request for Opinion RQ-1661

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

Summary of Request: Are records of the DPW relating to mistreatment of a nursing home resident public under the Open Records Act?

Doc No 772940

Summary of Request for Opinion RQ-1662

Request for opinion sent to the Attorney General's Opinion Committee by Lorene Rogers, President, University of Texas, Austin.

Summary of Request: Are letters from the University of Texas Director of Center for Energy Studies to certain employees and a memorandum concerning a reclassification of an employee public under the Open Records Act?

Doc No 772949

Summary of Request for Opinion RQ-1663

Request for opinion sent to Attorney General's Opinion Committee by Joe Christie, Chairman, State Board of Insurance, Austin.

Summary of Request:

(1) Can the city council of a special law, general law, or home-rule city create the office of city fire marshal and give the city fire marshal subpoena powers to carry out his duties?

(2) Does Article 5.45 of the Texas Insurance Code authorize the State Fire Marshal to delegate his subpoena powers to a city fire marshal?

Doc No 773026

Summary of Request for Opinion RQ-1664

Request for opinion sent to Attorney General's Opinion Committee by Dorman H. Winfrey, Director and Librarian, Texas State Library, Austin.

Summary of Request: In light of Article 5442a, Vernon's Texas Civil Statutes, may the State Librarian authorize the Board of Control to allow an agency to print less than 150 copies of a publication for delivery to the State Library when the State Librarian deems it appropriate due to the nature of the publication?

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

Doc No 773027 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 17 1977 10 59 a m

For further information please call (512) 475-5445



Opinions

Summary of Opinion H-1013

Request from Harvey Davis, Texas State Soil and Water Conservation Board, Temple, concerning the deposit of Soil and Water Conservation District funds in interest-bearing accounts.

Summary of Opinion: A soil and water conservation district may deposit its funds in interest-bearing time accounts in a state or national bank, but it may not purchase certificates of deposit, nor may it deposit its funds in a savings and loan association.

Doc No 772922

Summary of Opinion H-1014

Request from Royce C. Johnston, Acting County Attorney, Kleburg County, Kingsville, concerning the authority of a city-county recreation board to expend funds.

Summary of Opinion: The authority of a city-county recreation board to expend funds as well as the applicability of city charter provisions are matters to be determined by agreement between the city and county on whose behalf the board operates.

Doc No 772939

Summary of Opinion H-1015

Request from Emory C. Walton, Criminal District Attorney, Eastland County, Eastland, concerning the authority of a telephone company to lay buried telephone lines within county road right of way without the approval of the commissioners court.

Summary of Opinion: A telephone company is authorized by Article 1416, Vernon's Texas Civil Statutes, to lay buried telephone lines within the right-of-way of a county road without the approval of the commissioners court, but the company must place its lines "in such manner as not to incommode the public in the use of" the public roads.

Issued in Austin, Texas, on June 14, 1977.

Doc No 772950 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 15 1977 10 28 a m

For further information please call (512) 475-5445

Open Records Decisions

Summary of Open Records Decision 163

Request for open records decision from Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, Austin, concerning report of the investigation of the Mexia State School.

Summary of Decision: Portions of a report of an investigation of the Mexia State School are excepted from required public disclosure under the Open Records Act by Sections 3(a)(1) [information made confidential by other law, *to wit*: Article 5547-87, Vernon's Texas Civil Statutes], 3(a)(2) [personnel records] and 3(a)(11) [intra-agency memoranda]. The entire report except those portions which are excepted under Section 3(a)(1) is available to legislators who have specifically expressed a legislative purpose for which they are seeking it.

Doc No 772978

Summary of Open Records Decision 164

Request for open records decision from George W. McNiel, State Auditor, Austin, concerning whether records of the State Auditor giving details of an audit exception are public under the Open Records Act.

Summary of Decision: Factual information in the State Auditor's files which identify disallowed expenditures where the information did not reveal audit strategy and did not relate to a law enforcement effort is public under the Open Records Act.

Issued in Austin, Texas, on June 14, 1977.

Doc No 773028 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed June 17 1977 11 00 a m

For further information please call (512) 475-5445

EMERGENCY RULES

2460

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.

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 and Use Tax-- State Taxes 026.02.06

The 65th Legislature has enacted House Bill 190, which became effective June 10, 1977. In order to properly administer the new statute, which exempts certain purchases, rentals, and uses of motor vehicles by churches or religious societies from Chapter 6 (1969) Texas Taxation General Annotated, the Comptroller of Public Accounts is proposing Emergency Rule 026.02.06.034 to properly inform county tax assessor-collectors of the new exemption. This emergency rule prevents the necessity of making refunds of taxes improperly collected from the churches or religious societies.

This rule has been promulgated under the authority of Article 6.01, Texas Taxation General Annotated.

.034 Exemption for Churches or Religious Societies (Article 6.09(3))

(a) There are exempted from motor vehicle sales and use taxes the receipts from the sale or rental and

the use of a motor vehicle that is designed to carry more than six passengers, is sold to or used by a church or religious society, and is used primarily for the purpose of providing transportation to and from church or religious services or meetings. This exemption does not apply to a vehicle registered as a passenger vehicle and the primary use of which is for the personal or official needs or duties of a minister.

(b) A "church or religious society" is a regularly organized group of people associating for the sole purpose of holding, conducting, and sponsoring, according to the rites of the sect, religious worship. An organization supporting and encouraging religion as an incidental purpose or an organization with the general purpose of furthering religious work or instilling its membership with a religious understanding is not sufficient to qualify such an entity as a church or religious society.

(c) A motor vehicle "designed to carry more than six passengers" means a vehicle with at least three seats as wide as the interior of the vehicle, including such vehicles as station wagons, vans, and buses.

(d) The "primary use" means a use of a motor vehicle for at least 80 percent of the vehicle's operating time.

Issued in Austin, Texas, June 14, 1977

Doc. No. 772958 Bob Bullock
Comptroller of Public Accounts

Effective Date: June 15, 1977

Expiration Date: October 13, 1977

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

Sales Tax Division-- State Taxes 026.02.20.014

The 65th Legislature has enacted House Bill 1262, which became effective June 10, 1977. In order to properly administer the new statute, which amends the sales and use tax exemption for the leasing or licensing of motion picture films by deleting the requirement that theatres must be subject to admissions tax before qualifying for the exemption, the Comptroller of Public Accounts is proposing an emergency amendment to Section (5) of Rule 026.02.20.014. This emergency amendment prevents the necessity of making refunds of taxes improperly collected from motion picture theatres.

This amendment has been promulgated under the authority of Article 20.11(A), Texas Taxation-General Annotated.

014. Rental and Lease of Taxable Items

(5) Article 20.04(Z) provides an exemption from the sales and use tax for leasing or licensing of motion picture films of any kind to or by motion picture theatres [which are subject to the Admissions Tax imposed by Chapter 21, Title 122A]. The Admissions Tax as applied to motion picture theatres has been declared unconstitutional; therefore, the sales and use tax applies to the rental, lease, and licensing of motion picture films of any kind to or by theatres, measured by the total amount charged for the use of the films. This provision is retroactive. The licensing or leasing of motion picture films of any kind to [or by] licensed television stations [is exempt from the sales and use tax]. *The licensing or leasing of motion picture films of any kind to anyone other than motion picture theatres or television stations is subject to the tax.*

Issued in Austin, Texas, on June 17, 1977

Doc No 772993 Bob Bullock
Comptroller of Public Accounts

Effective Date June 17, 1977

Expiration Date October 15, 1977

For further information, please call (512) 475-3825

026.02.20.016

Under the authority of Article 20.11(A), Texas Taxation-General Annotated, the Comptroller of Public Accounts has renewed the effectiveness of Emergency Rule 026.02.20.016, Agriculture, Animal Life, Feed, Seed, Plants, and Fertilizer, which became effective on February 14, 1977. The text of the rule appeared in the February 22, 1977, issue of the *Texas Register*.

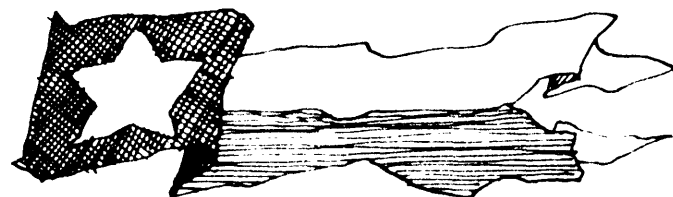
Issued in Austin, Texas, on June 14, 1977.

Doc No 772957 Bob Bullock
Comptroller of Public Accounts

Effective Date June 14, 1977

Expiration Date August 13, 1977

For further information, please call (512) 475-3825



Governor's Coordinating Office for the Visually Handicapped

State Purchases of Blind-Made Products and Services 344.01.00

Because of complications presented in the implementation of a pilot program for purchases of blind-made products and services, as authorized by Article 664-5, Texas Civil Statutes, the Governor's Coordinating Office for the Visually Handicapped has, following consultation with the Texas Committee on Purchases of Blind-Made Products and Services, determined that imminent peril to the public health, safety, and welfare exists and that swift action is required to eliminate such peril. Specifically, the office notes that sheltered workshops for the blind in Texas currently are manufacturing a number of products which can appropriately be used by state agencies in carrying out their official business. In the case of at least one such product, complications in the implementation of this program could result in multiple handicapped blind individuals remaining unnecessarily incarcerated in state institutions at enormous cost to the General Revenue Fund, in certain repairs to state highways being deferred, and in potential danger to the personal safety of motorists and workmen in the vicinity of highway repairs or construction in progress. Therefore, the office is promulgating Emergency Rules 344.01.00.001-.004, to become effective immediately upon filing with the secretary of state, for the initial implementation and basic administration of the pilot program for purchases of blind-made products and services.

These rules are promulgated under the authority of Article 664-5, Texas Civil Statutes.

.001 Responsibility Primary responsibility for the implementation and administration of the program of state purchases of blind-made products and services is placed with the Texas Committee on Purchases of Blind-Made Products and Services.

.002. Standards and Procedures. The Texas Committee on Purchases of Blind-Made Products and Services shall generally carry out its responsibilities according to standards and procedures currently used or hereafter to be used by the federal government in carrying out the parallel federal program authorized and established in Sections 46 and 47, 41 United States Code.

.003. Fair Market Price.

(a) When state purchasing procedures are such that bid experience exists or can readily be obtained to determine the fair market value of particular items manufactured or produced in sheltered workshops for the blind in Texas, the fair market value of such items will generally be determined according to the following formula: of the most recent bids received, a median price range will be established by calculations which start with the lowest bid and include all bids within 35 percent of the lowest bid; this median price will represent the "fair market price" for the purposes of this program, but the fair market price shall in no instance be less than an amount equivalent to the low bid price plus an additional five percent.

(b) When state purchasing procedures are such that bid experience does not exist or cannot readily be obtained to determine the fair market value of particular items manufactured or produced in sheltered workshops for the blind in Texas, the fair market value of such items will be determined by negotiations between the designated representative of the Texas Committee on Purchases of Blind-Made Products and Services, designated representatives of the State Board of Control, and, where appropriate and expedient, designated representatives of the intended state using agency or agencies. In this event, the fair market price will be determined following negotiations in which adequate consideration has been given to relevant factors such as the cost of labor and materials required for producing the particular item, the price at which related items are commonly offered for sale on the open market, prices paid for related items in other states or by the federal government, administrative overhead, depreciation, the requirement of a reasonable profit margin for the sheltered workshop in which the item is manufactured, and related factors.

.004. Disabilities other than Blindness.

(a) The responsibilities of the Texas Committee on Purchases of Blind-Made Products and Services will, insofar as possible, be carried out in a manner which tests and demonstrates the soundness of extending this program to products or services manufactured or produced by individuals with severely handicapping conditions other than blindness.

(b) The Governor's Coordinating Office for the Visually Handicapped will from time to time designate

representatives of organizations of or for disabilities other than blindness to serve in an advisory capacity or in *ex officio* status to the Texas Committee on Purchases of Blind-Made Products and Services.

Issued in Austin, Texas, on June 16, 1977.

Doc No 772987

Robert J. Winn, Jr.
Executive Director
Governor's Coordinating Office
for the Visually Handicapped

Effective Date June 16, 1977

Expiration Date October 14, 1977

For further information please call (512) 475-7064

Texas Water Rights Commission

Appropriation of Water

Temporary Permits 129.02.40

Because beneficial purposes such as drilling operations for oil and gas, highway construction and repairs, and other uses of a similar nature require very small quantities of water for short periods of time, and because it is economical and in the public interest that expeditious means be provided for the lawful use of water for such purposes, the Texas Water Rights Commission has determined that immediate action is necessary to authorize the provisional issuance of temporary permits for such purposes. The proposed amendment authorizes any member of the commission or its executive director to make provisional disposition of an application by issuing a temporary permit without notice or hearing if it appears that the application has no potential for harming any existing water right and if not more than 10 acre-feet of water has been requested for a period of not more than one year. Provision is also made for the prompt cancellation of such permit should it become apparent that injury may be done to a complainant by the proposed water use.

Amendment to Rule 129.02.40 002 is proposed under the authority of Section 5.137(a), Texas Water Code, as amended by HB 1245; Section 6.055, Texas Water Code; and Section 5, Article 6252-13a, Texas Civil Statutes.

.002. Applications for Temporary Permits, Provisional Issuance in Certain Cases. [Documents Needed to File.] Application forms are available upon request from the commission. In addition to the general requirements of permit applications, applicant shall set forth the period of time, not to exceed three years, that water is proposed to be diverted.

(a) The application should be accompanied by a vicinity map on 8-1/2 by 11 inch paper or larger with sufficient information to enable the commission to locate on the ground the diversion site and return water discharge points.

(b) Fees: See Rule 129.02.60.004.

(c) **Staff review and provisional disposition.** *The director of Permits Division shall review each application for a temporary permit and make a recommendation as to whether or not sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. If the application is for an amount of not more than 10 acre-feet of water and for a period of not more than one year, and if it appears to the director of Permits Division that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights, the application shall be forwarded to any member of the commission or to the executive director, each of whom shall have the authority to make provisional disposition of the application by issuing a temporary permit to the applicant. [Notice of hearing will be given to parties as provided by Rule 129.02.65.002.]*

(d) **Action upon receipt of complaint.** *If, either before or after diversions are commenced under a temporary permit issued as provided in the preceding subsection (c), a complaint is received from a person alleging that he is the owner of a water right or lawful user of water on the stream affected by the temporary permit and that the diversion of water under the temporary permit will impair the rights of the complainant, an immediate investigation shall be made by the commission staff to determine whether there is a reasonable basis for such complaint. If it appears from a preliminary investigation that there is a probability that diversions under the temporary permit will result in injury to the complainant, the executive director of the commission shall immediately notify the holder of such temporary permit that the permit is cancelled without notice and hearing and that no further diversions shall be made under it pending a full hearing, as provided in subsection (e) of this rule. The temporary permit shall revert to the status of a pending,*

filed temporary application and be processed, as provided in subsection (e) of this rule, without the necessity of paying an additional filing and recording fee. Notice of the permit hearing shall be sent to the complaining person. [Action of the commission. The commission, at a public hearing, may grant or deny, in whole or in part, the application as requested.]

(e) **Hearing before the commission.** *Any temporary application which has not been disposed of as provided by subsections (c) and (d) of this rule, or any temporary permit provisionally issued, as provided in subsection (c), which has been cancelled shall be submitted to the commission for setting of a hearing and the issuance of notice, as provided by Rule 129.02.65.002.*

(f) **Action of the commission.** *The commission, at a public hearing, may grant or deny, in whole or in part, the application as requested.*

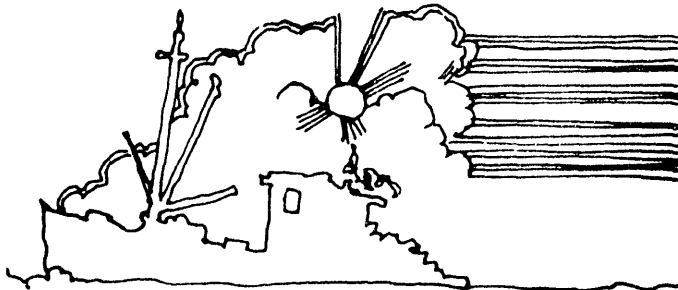
Issued in Austin, Texas, on June 6, 1977.

Doc No 772937 Robert E. Schneider
Executive Director
Texas Water Rights
Commission

Effective Date June 13 1977

Expiration Date October 11 1977

For further information, please call (512) 475-2711



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.

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

Texas Adjutant General's Department

Release of Information 204.02.00

The Texas Adjutant General's Department is proposing to adopt Rules 204.02.00.001-.005, establishing procedures by which individuals request information from the department, its Technical Personnel Office, and the individual militia units in this state.

The existence of both state and federal functions under the jurisdiction of the Adjutant General of Texas has caused some confusion as to what laws and regulations govern requests for information pertaining to those functions. The proposed rules are intended to clarify the nature of the existing functions and specify what laws and regulations govern the release of information therefrom.

The confusion previously referred to apparently arises from the fact that the guardsmen of this state, as well as the militia units, generally bear the outward appearance of the active U.S. Army or U.S. Air Force, despite their legal status as elements of the organized

militia of the State of Texas. As a result, requests for information of a military nature have been received by individual guard units which have mistakenly cited certain federal laws and regulations for entitlement to the information, despite the determination by the Attorney General of Texas that those laws and regulations do not apply to the Texas National Guard when in its non-mobilized status [reference Attorney General Opinion H-782 (1976)].

Further complicating the matter is the employment in the state of some 1,900 federal employees who are assigned to work at the various National Guard units as full-time technician employees under 32 U.S.C. 709. These technician employees, when not performing military duty with their National Guard units, have the same legal status as purely-civilian federal employees, as they are classified as employees of the Federal Department of the Army or Air Force, under the administrative control of a state officer, the Adjutant General of Texas.

Public comment on these rules is invited. Persons should submit their comments in writing to Captain Jack L. Slayton, Judge Advocate General of Texas, Adjutant General's Department, P.O. Box 5218, Austin, Texas 78763. Comments will be accepted until July 1, 1977.

These rules are proposed under the authority of Article 5781, Texas Civil Statutes, and Title 32, Section 709, United States Code.

.001. Addressee for Requests of the Public for Personal Information.

(a) Requests for members of the public for personal information from the personnel or similar military files of any Texas National Guard or Texas State Guard member who is not a federal technician employee, or any state employee of the Adjutant General's Department who is not a guard member, are addressed to Texas Adjutant General's Department, (Attention: Chief of Staff), P.O. Box 5218, Austin, Texas 78763.

(b) Requests by members of the public for personal information from the personnel or similar files of any federal technician employee under the administrative jurisdiction of the Adjutant General of Texas are addressed to Texas Adjutant General's Department, (Attention: Technician Personnel Officer), P.O. Box 5218, Austin, Texas 78763.

.002. Requests for Personal Information by Governmental Agencies.

(a) All requests by governmental agencies for personal information from the personnel and similar files of military members, technicians and state employees are addressed to the chief of staff of the department, address as above.

(b) The term "governmental agencies" includes, but is not limited to, the federal military forces and all law-enforcement agencies (whether federal, state, county, or municipal).

.003. *Requests for Other Information.* Requests for records contained in other than personnel and similar files, whether maintained at individual guard units, the individual technician detachments, or at the department headquarters, are addressed to the chief of staff of the department.

.004. *Requests To Be in Writing and Reasonably Specific.* No request for information will be considered unless in writing, and all requests must be reasonably specific as to exactly what information is being requested.

.005. *Determination as to Processing Procedures.* This department will, upon receipt of each request, determine whether the request is to be processed under state law or federal law and regulations. The views of the requestor on the matter are solicited, and should be included with the request. The following general guidelines will be applied to make the decision on processing procedures:

(a) Requests for personal information on persons who are not federal technicians will be processed in accordance with state law;

(b) Requests for personal information on technician employees will ordinarily be processed in accordance with federal law and regulations (in this connection, the National Guard Bureau has adopted the U.S. Army regulations on release of information from technician files);

(c) Requests for records contained in other than personnel and similar files will be analyzed to determine the nature of the information contained therein. If the information pertains strictly or predominantly to the technician program, federal law and regulations will be applied; otherwise, the request will be processed under state law.

Issued in Austin, Texas, on June 10, 1977.

Doc. No. 772943 Jack L. Slayton
Judge Advocate General
Texas Adjutant General's
Department

Proposed Date of Adoption: July 24, 1977

For further information, please call (512) 475-5057.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Sales and Use Tax-- State Taxes 026.02.06

The Comptroller of Public Accounts is proposing to adopt Rule 026.02.06.034, entitled "Exemption for Certain Vehicles used By Churches or Religious Societies." The proposed new rule presents guidelines to properly administer the new statute enacted by the 65th Legislature which exempts certain purchases, rentals, and uses of motor vehicles by churches or religious societies from motor vehicle sales tax imposed by Article 6.01 *et seq* (1969), Texas Taxation-General Annotated.

Public comment on Proposed Rule 026.02.06.034 is invited. Persons should submit their comments in writing to Richard Montgomery, Drawer SS, Capitol Station, Austin, Texas 78711.

An identical emergency rule has been adopted and appears in the Emergency Rules section of this issue.

Doc No 772959

Sales Tax Division-- State Taxes 026.02.20

The Comptroller of Public Accounts is proposing to amend Sections (a)(1)(D); (2)(D) and (F); and to add Sections (d) and (e) to Rule 026.02.20.013, which clearly specifies that ice cream sundries when sold in packages of six or more are not taxable, but ice cream sundries sold individually are taxable. Section (d) makes all vending machine sales taxable. The rule also provides an alternative method of collecting and remitting tax on sales to mobile food vendors by adding a new Section (e) and relettering subsequent sections.

Public comment on these amendments is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Capitol Station, Austin, Texas 78711.

These amendments are proposed under the authority of Article 20.11(A), Texas Taxation-- General Annotated.

.013. *Food and Food Products Sold for Human Consumption.* ((20.04(F)(L)) As to food and drink served by private clubs, see Rule 026.02.20.009)).

(a) Food and food products prepared, served, or sold ready for immediate consumption: the fact that they are sold "to go" will not affect their taxability. "Ready for immediate consumption" describes all food items which are discussed in paragraphs (b), (c), and (d) of this rule and all food items sold under the following conditions:

(1) If sold by a retailer who does not provide eating facilities (tables, trays, chairs, benches, and booths), all the following food items are taxable:

(A) all food items sold in a heated state, so long as the items are heated by the retailer rather than the customer;

(B) all food items sold with eating utensils provided, including but not limited to plates, knives, forks, spoons, glasses, cups, and straws;

(C) all sandwiches;

(D) all *individual* ice cream sundries, including but not limited to [individual] ice cream cones, dishes, bars, sticks, specialties, and the like; **provided, however, ice cream sundries when sold in pre-packaged units containing six or more such items are not taxable.** [regardless of whether such items are sold in packages containing more than one such item.]

(2) If sold by a retailer who provides eating facilities (tables, trays, chairs, benches, or booths), the following food items are taxable:

(A) all food items sold in a heated state, so long as the items are heated by the retailer rather than by the customer;

(B) all food items sold with eating utensils provided, including but not limited to plates, knives, forks, spoons, glasses, cups, and straws;

(C) all sandwiches;

(D) all *individual* ice cream sundries, including but not limited to [individual] ice cream cones, dishes, bars, sticks, specialties, and the like; **provided however, ice cream sundries when sold in pre-packaged units containing six or more such items are not taxable;** [regardless of whether such items are sold in packages containing more than one such item;]

(E) all individual-size portions of bakery products sold in quantities of five or less as long as they are sold by a retailer who provides eating facilities;

(F) all food items sold in individual-size portions or packages that require no further processing before consumption, as long as more than three-fourths (75 percent) of the retailer's gross sales on an outlet-by-outlet basis consist of sales of non-food items and/or food items sold in a heated state, with utensils provided, or in the form of sandwiches or *individual* ice cream sundries.

(b) Food and drinks sold by concession stands at ball parks, recreation halls, gymnasiums, and other like places of business, or served to a person seated in a stadium witnessing a sporting event are subject to the tax.

(c) Meals and other food products served by caterers are subject to the tax. The term "caterer" means a person engaged in the business of serving meals or other food products at premises designated by his customers. If caterers charge separately for the rental of such items as tableware and tablecloths, the rental price of such items is subject to the tax. Otherwise, a single charge for catering service shall be taxable in total. Services performed in connection with the preparation and serving of the meals and food products for which a charge is made are subject to tax.

(d) All sales of food items through vending machines are subject to the tax.

(e)(d) Sales of food items from push carts, motor vehicles, or any other form of vehicles [or through a vending machine] are subject to the tax. Due to the long-standing administrative difficulties encountered in collecting the sales tax from mobile vendors due on their retail sales of food items, the tax on such sales **may be required to** [shall] be remitted to the comptroller by the person who supplies the same food items to a mobile vendor. The comptroller is authorized to regard the supplier as the retailer and the mobile vendor as its agent for such sales by Article 20.01(J)(2), Texas Taxation-- General Annotated. The amount of tax to be remitted to the comptroller on such sales shall be computed by multiplying the supplier's sales price to the mobile vendor plus the amount of markup that will be added by the mobile vendor at the time the item is resold at retail times the applicable tax rate. For reporting and auditing purposes, the percentage mark-up will not be considered to exceed 20 percent unless the comptroller notifies an individual taxpayer in writing that he should report such sales in the future based on a higher percentage of markup.

(f)(e) If the American Plan is used by hotels, boarding houses, or other places of business, a segregation must be made between the charges for room or lodging and the charges for meals.

(g)(f) Meals furnished to employees are taxable only if the employees pay cash for the meals or if the employees choose to receive the meals in lieu of wages. An employer is not liable for tax on the amount of any "subsidy" paid to a catering company unless it is paid as part of the sales price for meals served to employees or guests.

(h)(g) Operators of eating establishments and other food service operators shall pay the tax on the purchase of all equipment and replacement parts for equipment. Supply items and equipment taxable to the operator shall consist of, but not be limited to, place mats, tablecloths, cloth napkins, silverware, dishes, cooking utensils, dispensers, garbage liners, mop holders, lime squeezers, grill bricks, aprons, glass creamers, appliances, and menus and inserts.

(i)(h) Operators of eating establishments and food service operators may purchase on resale or ex-

emption certificates those items which are furnished to their customers with the food or beverages; these items must be of a non-reusable nature or qualify for exemption as wrapping or packaging materials. Such items shall include non-reusable paper, wooden, plastic, and aluminum articles. Items included are cake boxes, lunch boxes, cups, (paper, plastic, or styrofoam), paper and plastic containers, menu tissues, bottle wraps, butter, chips, paper dishes, knives, forks, spoons, all paper napkins, soda straws, toothpicks, french fry bags, stir sticks, ice cream sticks, souffle cups, hot dog trays, and other types of non-reusable trays.

(j)(i) Meals and food products, and soft drinks and candy, are exempt when:

(1) sold by religious organizations or at functions conducted under the authority of a particular religious organization; or

(2) sold or served by public or private schools, school districts, student organizations, or parent-teacher associations in an elementary or secondary school during the regular school day pursuant to an agreement with the proper school authorities;

(3) sold or served by a parent-teacher association during a fund-raising sale, the proceeds of which do not go to the benefit of an individual;

(4) sold by a person under 18 years of age who is a member of a non-profit organization devoted to the exclusive purpose of education or physical religious training, and groups associated with public or private elementary or secondary schools as a part of a fund-raising drive sponsored by the organization for its exclusive use;

(5) served to patients or inmates of hospitals and other institutions licensed by the state for the care of human beings. However, meals served to visitors or employees of such establishments shall be subject to the tax.

(k)(j) The exemptions set out above do not extend to meals and food products sold by universities, colleges, junior colleges, or other schools of higher learning.

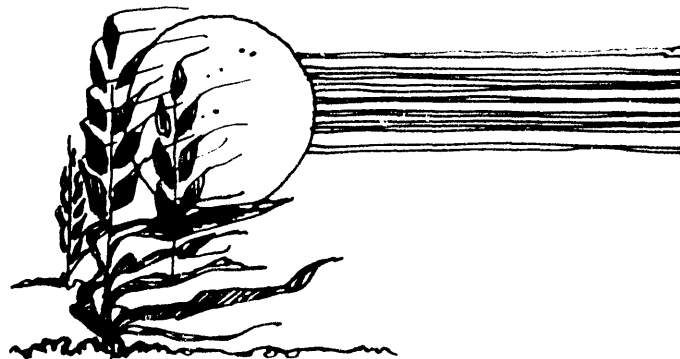
(l)(k) Foods and drinks purchased by common carriers for the purpose of serving passengers en route aboard such carriers are exempt from the tax and any charge made by the carrier for serving these items is also exempt.

Issued in Austin, Texas, on June 15, 1977.

Doc. No 772960 **Bob Bullock**
Comptroller of Public Accounts

Proposed Date of Adoption: July 24, 1977

For further information, please call (512) 475-3825



Coordinating Board, Texas College and University System

Program Development

General Provisions 251.02.02

The Coordinating Board, Texas College and University System, is proposing to amend Rule 251.02.02.002 in the Program Development category of rules applicable to Grants for Community Service Programs.

The Education Amendments of 1976 made several significant changes to Title I, Higher Education Act of 1965, necessitating a number of revisions to the State Plan. The most important of these was the addition of two categories of programs: (a) expansion of continuing education and (b) supporting resource materials sharing programs.

In addition, an Office of Education memo established a standard format for all state plans which made necessary the renumbering of several sections and some sections were edited for clarity.

The president of each accredited institution has been afforded an opportunity to review and comment on the proposed revised plan. Their comments have been considered by the CSCE Advisory Council in their review.

Public comment on the proposed amendment to Rule 251.02.02.002 is invited. Comments may be submitted for a period of 30 days from the date of publication by telephoning the office of the Coordinating Board at (512) 475-4361, or by writing to the Coordinating Board at P.O. Box 12788, Capitol Station, Austin, Texas 78711.

The amendment to Rule 251.02.02.002 is proposed under the authority of Title I of the Higher Education Act of 1965 (P.L. 89-329).

.002. Grants for Community Service Programs.

(a) The awarding of grants for community service and continuing education programs available under Title I of the Higher Education Act of 1965 shall be governed by the provisions of the *July, 1977* [May, 1975], edition of the *State Plan for the Community Service Programs Under Title I of the Higher Education Act of 1965*. Copies are available in the Coordinating Board offices.

(b) The Commissioner of Higher Education, in consultation with the Community Service and Continuing Education Advisory Committee and its subcommittees may extend the grant period of projects or, near the termination date of a project, transfer unexpended funds to other projects approved in the same fiscal year.

Issued in Austin, Texas, on June 16, 1977.

Doc No. 773042 Kenneth H. Ashworth
Commissioner of Higher
Education

Proposed Date of Adoption: July 24, 1977

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

Texas Education Agency Proprietary Schools

Hearings Before the Commissioner of Education for Contested Cases 226.25.04

The Texas Education Agency proposes to adopt Rules 226.25.04.010-480, concerning hearings before the commissioner of education for contested cases arising under the Texas Proprietary School Act.

Public comment on the proposed adoption of Rules 226.25.04.010-480 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.

These rules are promulgated under the authority of Section 32.22 of the Texas Education Code. In the event that the provisions of these rules concerning time limitations conflict with the provisions of Section 32.41 and 32.42 of the Texas Education Code, the provisions of these rules shall prevail, as a result of the blanket repealer of conflicting laws contained in Section 22 of the Administrative Procedure and Texas Register Act.

.010. Nature of Hearings and Appeals. Should an applicant be dissatisfied with the denial of a certificate of approval by the administrator, or should a licensee be dissatisfied with the administrator's revocation of his certificate of approval, or should a licensee be dissatisfied with conditions imposed by the administrator upon the continued approval represented by the certificate, or should a licensee or representative be dissatisfied with the denial or revocation by the administrator of a representative's registration, he may request a hearing before the administrator under the procedures of the Texas Proprietary Act, the Administrative Procedure and Texas Register Act, and these rules. Should the applicant, licensee, or representative be dissatisfied with the final order of the administrator after said hearing, he may appeal said order to the State Board of Education under the procedures provided by these rules. Nothing contained in these rules shall deprive any party of any legal remedy.

.020. Definitions.

(a) "Agency" means the Central Education Agency.

(b) "Board" means the State Board of Education.

(c) "Administrator" means the State Commissioner of Education.

(d) "Party" means an agency or person who has appeared in a contested case or who has filed timely notice of interest to appear, and who has not been dismissed or excluded by the administrator or hearing officer.

(e) "Contested case" means a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the administrator and/or the board.

(f) "Hearing officer" means any person appointed by the administrator to conduct hearings on matters within the agency's jurisdiction.

(g) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the agency.

(h) "Pleading" means written allegations filed by a party requesting or opposing action by the administrator or the board.

(i) "Petitioner" means the agency in its capacity as a party.

(j) "Respondent" means any party against whom action has been taken by the agency.

(k) "Intervenor" means any party otherwise not defined.

(l) "Applicant" means a party seeking a certificate of approval or a representative's registration from the agency.

(m) "Licensee" means a party who is the holder of a certificate of approval from the agency.

.030. Object of Rules. The purpose of these rules is

to provide for a simple and efficient system of procedure before the agency to ensure uniform standards of practice and a fair and expeditious determination of causes arising under the Texas Proprietary School Act.

.040. Scope of Rules. Extensions. Unless otherwise provided by statute, the filing of any pleading may be extended by order of the hearing officer, upon written motion duly filed with him prior to the expiration of the applicable period of time for the filing of the same, showing there is good cause for such extension of time and that the need therefor is not caused by the neglect, indifference, or lack of diligence of the movant. A copy of said motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof. Any party may file written pleadings contesting a motion to extend, serving all other parties contemporaneously with the filing thereof.

.050. Agreements to be in Writing. No stipulation or agreement between the parties, their attorneys, or representatives with regard to any matter involved in any contested case shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of the hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law. No stipulation or agreement shall be enforced unless signed by the attorney of record, if any, for each party to the stipulation or agreement.

.060. Service of Pleadings.

(a) **Service of pleadings.** A copy of any reply, answer, motion, or other pleading filed by any party in any proceeding subsequent to the institution thereof shall be mailed by certified mail or otherwise delivered by the party filing the same to every other party of record. If any party has appeared in the proceeding by attorney or other representative authorized under this rule to make appearances, service shall be made upon such attorney or other representative. The willful failure of any party to make such service shall be sufficient grounds for the entry of any order by the hearing officer striking the reply, answer, motion, or other pleading from the record.

(b) **Certificate of service.** A certificate by the party, attorney, or representative who files the pleading, stating that it has been served on the other parties, shall be *prima facie* evidence of such service. The following form of certificate will be sufficient in this connection: "I hereby certify that I have this _____ day of _____, 19____, served copies of the foregoing pleading upon all other parties of record to this proceeding, by (here state the manner of service). Signature."

.070. Conduct and Decorum Every party, witness, attorney, or other representative shall comport himself in all proceedings with proper dignity, courtesy, and respect for the agency, the administrator, the hearing officer, the board, and all other parties. Disorderly conduct will not be tolerated. Attorneys and other representatives of party shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Texas State Bar.

.080. Classification of Parties. Parties to proceedings before the agency are petitioners, respondents, and intervenors. Regardless of errors as to designations in their pleadings, the parties shall be accorded their true status in the proceeding.

.090. Parties in Interest. Any party in interest may appear in any proceeding before the agency. All appearances shall be subject to a motion to strike upon a showing that the party has no justiciable or administratively cognizable interest in the proceeding. Any person, public official, or department of the State of Texas or any of its political subdivisions, or any civil or trade organization shall be permitted to intervene in support of or opposition to all or part of the relief sought in any contested case by filing at least 10 days in advance of the hearing date a petition in intervention showing its interest and the basis for its position in the case, and at the hearing may present any relevant and proper testimony and evidence bearing upon the issues involved in the particular proceeding. In all proceedings the agency is a party in interest.

.100. Appearances. Any party may appear and be represented by an attorney at law authorized to practice law before the Supreme Court of the State of Texas. Any person except a corporation may appear on his own behalf, or by a *bona fide* full-time employee or by an elected or appointed officer of a governmental agency. A corporation partnership or association may appear and be represented by any *bona fide* officer, partner, or full-time employee. The hearing officer may require any person appearing in a representative capacity to provide such evidence of this authority as the hearing officer may deem necessary.

.110. Hearing Officers. The administrator may hear contested cases himself, or appoint a hearing officer to hold hearings and pre-hearing conferences, rule on motions, receive or not receive evidence, prepare proposals for decision, and perform all other duties concerning contested cases which are not required by statute to be performed by the administrator.

.120. Classification of Pleadings. Pleadings filed with the agency in contested cases shall be petitions, answers, replies, exceptions, motions, and notices of hearing. Regardless of any error in the designation of the pleading, it shall be accorded its true status in the proceeding in which it is filed.

.130. Form and Content of Pleadings.

(a) Typewritten or printed. Pleadings and briefs shall be written, typewritten, or printed upon paper 8-1/2 inches wide and 14 inches or 11 inches long with an inside margin of at least one inch wide, and exhibits annexed thereto shall be folded to the same size. Reproductions are acceptable, provided all copies are clear and permanently legible.

(b) Content. Pleadings shall state their object, shall contain a concise statement of the facts in support of the same, and shall be signed by the party or a representative authorized by these rules.

(c) Signature and address. The original of every pleading shall be signed in ink by the party filing the paper or by his authorized representative. Pleadings shall contain the address of the party filing the document or the name, telephone number, and business address of the representative.

.140. Examination by a Hearing Officer. Upon the filing of any pleading with a hearing officer, he may examine the same and determine its sufficiency under these rules. If he shall find that the pleading does not comply in all material respects with these rules, he shall return it to the person who filed it, along with his statement of the reasons for rejecting the same. The person who filed such pleading shall thereafter have the right to file a corrected pleading, provided that the filing of such corrected pleading shall not be permitted to delay any hearing unless the hearing officer shall determine that such delay is necessary in order to prevent an injustice or to protect the public interest and welfare.

.150. Motions. Any motion relating to a pending proceeding shall, unless made during a hearing, be written, and shall set forth the relief sought and the specific reasons and grounds therefor. If based upon matters which do not appear of record, it shall be supported by affidavit. Any motion not made during the hearing shall be filed with the hearing officer, who shall act upon the motion at the earliest practical time.

.160. Amendments. Amendments to any pleading offered within 14 days of the date set for the hearing or thereafter shall be permitted only after written consent of the hearing officer is obtained. Copies of all amendments, whenever filed, must be sent by the party offering the amendment to each party of record, and the hearing officer may, upon his own motion or the motion of any interested party having filed notice of intention to appear at said hearing, postpone or delay the hearing to a later date if the amendment materially alters the pleading on file.

.170. Incorporation by Reference of Agency Records. Any pleading may adopt and incorporate, by specific reference thereto, any part of any document or entry in those official files and records of the agency which are

public record. This rule shall not relieve any petitioner of the necessity of alleging in detail, if required, facts necessary to sustain the burden of proof imposed by law.

.180. Prehearing Conference.

(a) In any proceeding, the hearing officer, on his own motion or the motion of the party or petitioner, may direct the parties, their attorneys, or representatives to appear before him at a specific time and place for a conference prior to the hearing for the purpose of formulating issues and considering:

- (1) the simplification of issues;
- (2) the possibility of making admissions of certain averments of fact or stipulations concerning the use by any party of matters of public record, to the end of avoiding unnecessary introduction of proof;
- (3) the procedure at hearing;
- (4) the limitation, where possible, of the number of witnesses;

(5) such other matters as may aid in the simplification of the proceedings, and the disposition of the matters in controversy, including settlement of such issues as are in dispute.

(b) Action taken at the conference shall be recorded in an appropriate manner by the hearing officer, unless the parties enter into a written agreement approved by him.

.190. Motions for Continuance. Hearings may be continued on the agency's own motion or upon a motion for continuance filed by a party not less than five days prior to the designated date that the matter is to be heard. The party moving for a continuance must do so in writing and demonstrate good cause for the continuance. Copies of motions for continuance must be sent to all parties of record or their attorneys. In the event a continuance is ordered, the hearing officer shall promptly send notice of said continuance, such notice setting a new date for the hearing. The hearing officer need not hold a hearing on the motion for continuance. If the hearing cannot be held on the date for which it was set because a previously scheduled hearing is still in progress, no formal order for continuance shall be necessary. In such event, the parties and agency shall cooperate in holding the delayed hearing on the earliest possible date.

.200. Place and Nature of Hearing. All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, Texas, unless for good and sufficient cause the administrator shall designate another place of hearing in the interest of the public.

.210. Joint Hearings. A motion for consolidation of two or more proceedings in writing, signed by the movant, his attorney or representative, and filed with the administrator or the hearing officer prior to the date set for hearing. No two or more proceedings shall be

consolidated or heard jointly without the affirmative consent of all parties to all such proceedings, unless the hearing officer or administrator shall find that the two or more proceedings involve common questions of law and fact, and shall further find that separate hearings would result in unwarranted expense, delay, or substantial injustice.

.220. Presiding Officer.

(a) Hearings will be conducted by the administrator or a hearing officer who shall have the authority to administer oaths, to examine witnesses, to rule on motions, and to rule upon admissibility of evidence in amendments to pleadings. He shall have the authority to recess any hearing from day to day.

(b) If the presiding hearing officer dies, becomes disabled, withdraws, or is removed from employment from the case at any time before the final decision thereof, the administrator may appoint another presiding hearing officer who may perform any functions remaining to be performed without the necessity of repeating any previous proceedings in the case.

.230. Request for Hearing. Should a party be dissatisfied with any of the actions of the administrator as described in the rule entitled Nature of Hearings and Appeals, the party may by certified mail or personal service request a hearing with the administrator within 15 days after receipt of notice of said action.

.240. Notice of Hearing. Upon receipt of a request for hearing, the administrator shall send a notice of hearing to all parties by certified mail, setting a hearing date, and said notice of hearing shall include:

- (1) a statement of time, place, and nature of hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular sections of the statutes and rules involved;
- (4) a short and plain statement of the matters asserted.

.250. Order of Procedure at Hearing.

(a) The petitioner shall present its case, the respondent or respondents shall next present its or their case, and the petitioner shall then present its case in rebuttal. In those cases where there is more than one petitioner, the petitioner whose pleading is deemed officially filed first shall present its case, and the petitioners next in line shall then proceed with the respondent or respondents next proceeding, and the petitioners presenting their case in rebuttal in the same order as their case in chief.

(b) The parties may be allowed, in the discretion of the hearing officer, to make opening or closing statements or both, with the petitioner or petitioners going first.

(c) In any case where a party is represented by more than one attorney, the hearing officer shall require such party to designate a lead counsel who shall conduct the case for that party. The hearing officer may allow substitution for the lead counsel.

(d) All witnesses at a hearing shall testify under oath.

(e) A party may conduct cross-examination if required for a full and true disclosure of the facts.

.260. Transcript. Proceedings, or any part of them, may be transcribed at the instance of the hearing officer or agency attorney, and must be transcribed upon the written request of any party.

.270. Reporter.

(a) When a party other than the agency makes a written request that proceedings be transcribed, the party shall state in writing his election to furnish his own stenographic reporter or utilize a reporter provided by the agency.

(b) If the party elects to furnish the stenographic reporter, the cost of the original transcript shall be assessed to the party requesting the transcription. The original transcript shall be delivered to the hearing officer not more than 14 days after the close of the hearing. A stenographic reporter may sell a copy of the transcript if the stenographic reporter first submits a written request to the hearing officer containing:

- (1) the full name and address of the party requesting the copy;
- (2) the number of pages in the transcript;
- (3) the cost of the copy to the party.

Upon approval of the request by the hearing officer, the stenographic reporter shall furnish a copy to the requesting party. The hearing officer may exclude any stenographic reporter for late delivery or poor workmanship in previous hearings.

.280. Corrections to the Transcript. Suggested corrections to the transcript of the record may be offered within 10 days after the transcript is filed in the proceeding, unless the hearing officer shall permit suggested corrections to be offered thereafter. Suggested corrections shall be served in writing upon each party of record, the official reporter, and the hearing officer. If suggested corrections are not objected to, the hearing officer may direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the hearing officer, who shall determine the manner in which the record shall be changed, if at all.

.290. Formal Exceptions. Formal exceptions to rulings of the hearing officer during a hearing shall be unnecessary. It shall be sufficient that the party at the time any ruling is made or sought shall have made known to the hearing officer the action which he desires.

.300. Briefs. Briefs shall be filed when requested or permitted by the hearing officer. They shall conform, as near as may be, to the rules herein provided for forms of pleadings. The points involved shall be concisely stated. The evidence in support of each point shall be briefly summarized, and the argument and authority shall be organized and directed to each point in a concise and logical manner. Briefs shall contain a table of contents and authorities.

.310. Dismissal without Hearing. The hearing officer may entertain motions for dismissal without a hearing for the following reasons: failure to prosecute; unnecessary duplication of proceedings or *res judicata*; withdrawal, moot questions or stale petitions; lack of jurisdiction; failure to raise a material issue in the pleading, or failure to state a cause of action upon which relief may be granted.

.320. Admissibility in General. Rules of evidence shall be governed by Section 14, *et seq.* of the Administrative Procedure and Texas Register Act.

.330. Documentary Evidence. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. On request, parties shall be given an opportunity to compare the original and the copy. When numerous documents are offered, the hearing officer may limit those admitted to a number which are typical and representative, and may, in his discretion, require the abstracting of the relevant data from the documents in the presentation of the abstracts in the form of an exhibit; provided, however, that before making such requirement, the hearing officer shall require that all parties of record or their representatives be given the right to examine the document from which such abstracts were made.

.340. Official Notice. In connection with any hearing aid, official notice may be taken of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data, and they must be afforded an opportunity to contest the material so offered. The special skills or knowledge of the agency and its staff may be utilized in evaluating the evidence.

.350. Prepared Testimony. In all proceedings and after service of copies upon all parties of record at such times as may be designated by the hearing officer, the prepared testimony of the witness upon direct examination, either in narrative or question-and-answer form, may be incorporated in the record as if read or received as an exhibit, upon the witness being sworn and identifying the same. Such witness shall be subject to cross-

examination and the prepared testimony shall be subject to ruling by the administrator or hearing officer on a motion to strike in whole or in part.

.360. Limitation on Number of Witnesses. The hearing officer shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

.370. Exhibits.

(a) **Form.** Exhibits of documentary character shall be of such size as to not unduly encumber the files and records of the agency. There shall be a brief statement on the first sheet of the exhibit of what the exhibit purports to show. Exhibits shall be limited to facts material and relevant to the issues involved in a particular proceeding.

(b) **Tender and service.** The original of each exhibit shall be tendered to the reporter to mark for identification; one copy shall be furnished to the hearing officer and one copy to each other party of record or his attorney or representative.

(c) **Excluded exhibits.** In the event an exhibit has been identified, objected to, and excluded, the hearing officer shall determine whether or not the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification, shall be endorsed by the hearing officer with his ruling, and shall be included in the record for the purpose only of preserving the exception.

(d) **Post-hearing offers.** No exhibit will be permitted to be filed in any proceeding after the conclusion of the hearing, unless specifically directed by the hearing officer or by the administrator, with service or copies of the late-filed exhibit on all parties of record and sufficient opportunity to all parties for the filing of objections.

.380. Offer of Proof. When testimony on direct examination is excluded by ruling of the hearing officer, the party offering such evidence shall be permitted to make an offer of proof by eliciting from the witness said testimony to be placed in a bill of exception, and such offer of proof shall be sufficient to preserve the point for review. When an objection to a question asked on cross-examination is sustained, an error asserted may be preserved without making an offer of proof.

.390. Depositions. Upon written request by a party, the administrator or any hearing officer may issue a commission addressed to officers authorized by statute to take a deposition of witnesses. Such commissions shall be issued only after a showing of good cause and deposit of sums sufficient to ensure payment of expenses incidental to the deposition. The use of depositions in any proceeding shall be governed by the Administrative Procedure and Texas Register Act.

.400. Interrogatories. At any time after a party has made appearance in a contested case, any other party may serve upon such party written interrogatories to be answered by the party served. The rules for interrogatories shall be those described in Rule 168 of the Texas Rules of Civil Procedure.

.410. Admissions of Facts and of Genuineness of Documents. At any time after the respondent has made appearance in a contested case, a party may cause to be delivered to any other party or his attorney of record a written request for the admission by such party of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth by the request. The rules for said request shall be those described in Rule 169 of the Texas Rules of Civil Procedure.

.420. Refusal to Make Discovery; Consequences. If any party or an officer or managing agent of a party refuses to obey an order for discovery made under these rules, the administrator may make such orders in regard to the refusal as are just, and among others, the following:

(a) an order that the matters regarding the character or description of the thing, or the contents of the paper, or any other designated facts shall be taken as established for the purposes of the action in accordance with the claim of the party obtaining the order;

(b) an order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony;

(c) an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

.430. Subpoenas.

(a) Subpoenas for the attendance of a witness from any place in the State of Texas at a hearing in a pending proceeding may be issued by the administrator, or, during the course or pendency of a hearing, by the hearing officer upon written request by a party or his own motion.

(b) Motions for subpoenas to compel the production of books, papers, accounts, or documents shall be addressed to the administrator or hearing officer, shall be verified, and shall specify as nearly as may be the books, papers, accounts, or documents desired and the material and relevant facts to be proven by them. If the matter sought is relevant, material, and necessary and if requiring production of the same will not result in harassment, imposition, or undue inconvenience or expense to the witness, the administrator, or during the course of pendency of the hearing, the hearing officer, may issue a subpoena compelling production of books,

papers, accounts, or documents as deemed necessary.

(c) Such subpoenas shall be issued only after a showing of good cause and deposit of sums sufficient to ensure payment of expenses incident to the subpoenas. Witness fees shall be made in the manner prescribed in the Administrative Procedure and Texas Register Act.

.440. Proposal for Decision. In all proceedings in which a hearing officer recommends action adverse to any party other than the agency, he shall prepare and file with the administrator a proposal for decision. The proposal for decision may contain a brief statement of the nature of the case and the issues and may also contain a concise and explicit discussion of the evidence. The proposal for decision shall contain findings of fact and conclusions of law based on the record. A copy thereof shall be served forthwith on each party or his attorney of record. Upon the expiration of the 20th day following the time provided for the filing of exceptions of these rules, the hearing officer's recommended order and the proposal for decision may be adopted by written order of the administrator unless exceptions shall have been filed, in which case the administrator may so adopt the hearing officer's recommended order after ruling on said exceptions.

.450. Filing of Exceptions and Replies. Any party of record may, within 20 days after the date of service of the hearing officer's proposal for decision, file exceptions to the proposal for decision, and replies to such exceptions may be filed within 15 days after the date for filing of such exceptions. Any requests for extension of time within which to file exceptions or replies shall be filed with the hearing officer, and a copy thereof shall be served on all other parties of record by the party making such request. The hearing officer shall promptly notify the parties of his action upon the same and shall allow additional time only in extraordinary circumstances where the interests of justice so require.

.460. Form of Exceptions and Replies. Exceptions and replies to a proposal for decision shall conform as near as may be to the rules herein provided for form of pleadings. The specific exceptions shall be concisely stated. The evidence relied upon shall be pointed out with particularity, and such evidence in the arguments shall be grouped under the exceptions to which they relate.

.470. Orders. All orders of the administrator shall be in writing and shall be signed by him. They shall incorporate the findings of fact and conclusions of law required by law, either in the body of the order or by reference to the hearing officer's proposal for decision. A copy of each order shall be served forthwith upon all parties to the proceeding.

.480. Motions for Rehearing.

(a) Prior to the entry of his order, if the adminis-

trator concludes that substantial errors of procedure or the exclusion of evidence have so affected the record as to render it impractical to determine the case justly and fairly upon the record, he may order a rehearing.

(b) Unless extension or reduction be granted under the next paragraph, the times prescribed in this paragraph shall control. If a party wishes to file motion for rehearing, it must be filed with the administrator within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing, if any, must be filed with the administrator within 25 days after the date of rendition of the final decision or order. A motion for rehearing is not a prerequisite to an appeal to the State Board of Education.

The administrator may by written order extend the period of time for filing a motion for rehearing and replies, except that an extension may not extend the period for the administrator's action on the motion for rehearing beyond 60 days after the date of rendition of his final decision or order. The parties may by agreement and with the approval of the administrator reduce any of the times provided in this rule.

Doc No 772964

Appeals to the State Board of Education for Contested Cases Arising under the Texas Proprietary School Act 226.25.05

The Texas Education Agency proposes to adopt the following subcategory of rules, entitled Appeals to the State Board of Education for Contested Cases Arising under the Texas Proprietary School Act.

Public comment on the proposed adoption 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.

These rules are proposed under the authority of Section 32.22 of the Texas Education Code. In the event that the provisions of these rules concerning time limitations conflict with the provisions of Sections 32.41 and 32.42 of the Texas Education Code, the provisions of these rules shall prevail as a result of the blanket repealer of conflicting laws contained in Section 22 of the Administrative Procedure and Texas Register Act.

.010. Procedure for Appeal.

(a) Any party who has been aggrieved by a final order of the administrator under these rules may appeal that decision to the State Board of Education.

(b) The aggrieved party must file an appeal with the administrator within 15 days after the date of the administrator's decision, or, if a motion for rehearing

has been filed, within 15 days from the date the motion for rehearing is overruled by the commissioner or by operation of law.

(c) A copy of the appeal request shall be sent by the appellant to all parties of record before the administrator.

(d) The record of appeal to the board shall consist of the following:

(1) the transcript of the hearing made before the administrator or hearing officer;

(2) pleadings of record;

(3) the final decision of the administrator and the proposal for decision of the hearing officer;

(4) evidence offered at the hearing before the administrator;

(5) other items of record designated by any party in the notice of appeal to the State Board of Education, or otherwise designated in writing within 15 days of the date of the notice of appeal is submitted to the administrator;

(6) the administrator shall certify the materials set forth above to the board within 10 days of the receipt of the notice of appeal.

.020. *Notice.* The board shall, through the administrator, cause notice of hearing to be mailed by certified mail to all parties of record of the date and time for hearing, said notice to be mailed within 30 days from receipt of the notice of appeal.

.030. Testimony and Evidence.

(a) At the hearing before the board, any party to the appeal may file a brief in at least five copies. Appeals to the board shall be considered on the record, briefs, and oral argument only. If a party desires to submit a brief, it must be submitted within 15 days from the date the notice of appeal was filed with the commissioner, and reply briefs must be submitted within 30 days from the date the notice of appeal was filed with the commissioner.

(b) Any party desiring to make oral argument before the board must file a written statement of intention to do the same not less than 10 days prior to the date set for the hearing before the board.

.040. Decisions.

(a) The decision of the State Board of Education shall be rendered within 60 days from the date the hearing on the appeal is closed.

(b) In the event the board shall decide to reverse the decision of the administrator, a motion, either made orally and placed in the minutes of the board or presented in written form and made a part of the minutes of the board, shall be adopted. The motion shall include findings of fact and conclusions of law in sufficient detail to show the basis for the board's decision. A copy of the board's decision shall be mailed within 10 days to all parties of record.

.050. Rehearing.

(a) A motion for rehearing must be filed with the board within 15 days after the date of the rendition of a final decision or order. Replies to a motion for rehearing must be filed with the board within 25 days after the rendition of the final decision or order, and the board's action on the motion must be taken within 45 days of the date of the rendition of the final decision or order. If the board does not act within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order.

(b) The board may by written order extend the period of time for filing the motion for rehearing and reply, except that an extension may not extend the period for the board's action on the motion for rehearing beyond 60 days after the date of rendition of its final decision or order. In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order granting the extension, or, in the absence of a fixed date, 60 days after the date of the final decision or order.

(c) The board may rule on a motion for rehearing or extend the period of time for filing the motion for rehearing and reply at a meeting or by mail, telephone, telegraph, or other suitable means of communication.

(d) A motion for rehearing is a prerequisite to an appeal from the board's decision.

.060. Administrative Finality. For purposes of appeal, administrative finality shall be considered to have occurred upon the exhaustion of all administrative remedies available before the State Board of Education, in addition to those available before the administrator.

Doc No 772965

Hearings Before the Commissioner of Education and the State Board of Education

Hearings and Appeals Generally 226.71.01

The Texas Education Agency proposes to amend Rule 226.71.01.010, concerning hearings before the Commissioner of Education and the State Board of Education. The proposed amendment removes "denial or revocation of a proprietary school certificate" from the list of actions for which appeals are covered by Rules 226.71.01.010-.220. A new set of rules has been proposed concerning hearings and appeals for contested cases arising under the Texas Proprietary School Act.

Public comment on the proposed amendment to Rule 226.71.01.010 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.

This rule is promulgated under the authority of Article 6252-13a, Vernon's Texas Civil Statutes.

.010. Nature of Hearings and Appeals. Persons having any matter of dispute among them arising under the school laws of Texas, or any person aggrieved by the school laws of Texas or by actions or decision of any board of trustees or board of education, may appeal in writing to the Commissioner of Education who, after due notice to the parties interested, shall hold a hearing and render a decision without cost to the parties involved save and except where provided for in these rules, but nothing contained in this series shall deprive any party of any legal remedy.

These rules shall include, but not be limited to, appeals from the following actions:

- (1) actions or decisions by a district board of trustees or board of education;
- (2) actions or decisions by a county superintendent;
- (3) actions or decisions regarding cancellation of a teacher certificate;
- (4) denial or revocation of a proprietary school certificate;
- (4) (5) recommendations made to the commissioner by the Texas Professional Practices Commission.

The decisions of the Commissioner of Education shall be subject to review by or appeal to the State Board of Education except where the commissioner's decision is made final by law.

Doc No 772967

Policies and Procedure System

Hearings Regarding Policies, Administrative Procedures, and State Plans 226.93.04.010

The Texas Education Agency proposes to amend Rule 226.93.04.010 concerning hearings regarding proposed policies, administrative procedures, and state plans. Rule 226.93.04.010, as amended, sets out circumstances under which such a hearing will be held by the Commissioner of Education. New Rules 226.93.04.020-.060 have been proposed which set out procedures for such hearings before the commissioner and before the State Board of Education.

Public comment on the proposed amendment to Rule 226.93.04.010 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.

This rule is promulgated under the authority of Section 11.02(a), Texas Education Code, and Section 5 of Article 6252-13a, Vernon's Texas Civil Statutes.

.010. Hearings Before the Commissioner of Education on Proposed Policies, Administrative Procedures, and State Plans. The commissioner shall hold a public hearing on a proposed policy or administrative procedure: (1) when in his judgment information obtained at such a hearing would significantly aid him or the board in their deliberations; (2) when he is directed to do so by the board; or (3) when a public hearing is requested in writing by at least 25 persons, by a governmental subdivision or agency, or by official action of an association having at least 25 members. This policy shall also apply to state plans for which hearings are required by state law, state board of education policy, or federal law or regulations.

The commissioner shall consider fully all written and oral submissions in his deliberations on the adoption of administrative procedures and in his recommendations to the state board concerning policies and state plans. The commissioner shall provide the board with information obtained from hearings or other written or oral submissions which would aid the board in actions regarding proposed policies or state plans.

[When appropriate request is received by the State Board of Education at its meeting or by the State Commissioner of Education, the board may direct a hearing to be held on a board policy, an administrative procedure, or a state plan.

[Following a hearing by the Commissioner of Education, he shall provide the board with information obtained from the hearing which would aid the board in actions regarding proposed policies, administrative procedures, or state plans.]

Doc No 772968

226.93.04.020-.060

The Texas Education Agency proposes to adopt new rules concerning hearings regarding policies, administrative procedures, and state plans. The rules set out the procedures for holding such hearings before the

Commissioner of Education. The first rule of this series has been proposed as an amendment to Existing Rule 226.93.04.010.

Public comment on the proposed adoptions 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.

These rules are proposed under the authority of Section 11.02(a), Texas Education Code, and Section 5 of Article 6252-13a, Vernon's Texas Civil Statutes.

.020. Procedures for Hearings Before the Commissioner.

(a) All requests for a public hearing on a proposed policy, administrative procedure, or state plan shall be directed in writing to the Commissioner of Education. A request must be received by the Commissioner of Education not more than 15 calendar days after notice of a proposed change in policy, administrative procedure, or state plan has been published in the *Texas Register*.

(b) Notice of the date, time, and place of the hearing shall be published in the *Texas Register* at least 15 days in advance of the hearing date.

(c) The commissioner may designate a hearing officer to preside at a public hearing on a proposed policy, administrative procedure, or state plan.

(d) The commissioner or hearing officer may invite other members of the agency staff to sit with him or her to hear testimony.

(e) Any person desiring to appear and give testimony must give written notice to the Commissioner of Education at least five days before the hearing is scheduled to begin. The commissioner or hearing officer may limit the number of persons testifying and the time allotted to each.

(f) The purpose of such hearings is to provide the commissioner and the State Board of Education with information which will be useful to them in their deliberations. The commissioner, the hearing officer, and other agency staff who have been invited to hear testimony may make inquiries of persons testifying. Hearings shall not be adversary or adjudicative in nature.

.030. Hearings Before the State Board of Education on Proposed Policies and State Plans. The State Board of Education may hold a public hearing on a proposed policy or state plan when, in their judgment, information obtained from the hearing would significantly aid their deliberations.

.040. Procedures for Hearings Before the Board.

(a) Notice of the date, time, and place of the hearing shall be published in the *Texas Register* at least 15 days in advance of the hearing date.

(b) The chairman or vice-chairman of the board

or another member of the board designated by the chairman shall preside at hearings before the board on proposed policies or state plans.

(c) Any person desiring to appear and give testimony must give written notice to the Commissioner of Education at least five calendar days before the hearing is scheduled to be held. The Commissioner of Education, as chief executive officer of the board, may limit the number of persons testifying and the time allotted to each.

(d) The purpose of such hearings is to provide the board with information which will be useful in its deliberations on proposed policies and state plans. All members of the board may make inquiries of persons testifying. Hearings shall not be adversary or adjudicative in nature.

.050. *Procedures for Hearings Before Standing Committees of the Board.* Hearings before standing committees of the board shall follow the rules of procedure for hearings before the full board insofar as possible. They shall be chaired by the chairman, co-chairman, or vice-chairman of the committee. All members of the board may attend, hear testimony, and make inquiries of persons testifying.

.060. *Transcripts.* Upon the initiative of any officer, board, or committee before whom a hearing is held under these rules, or upon the timely written request of any interested party, the agency may cause a verbatim transcript to be made of all or any portion of the hearing. Written requests for a verbatim transcript shall be submitted to the officer, board, or committee conducting the hearing no later than three days prior to the scheduled hearing dates, and, as a condition to granting the request, the agency may require the requesting party to pay the actual cost of the transcript. If the transcript is made at the initiative of the officer, board, or committee, its cost shall be borne by the agency.

Issued in Austin, Texas, on June 13, 1977.

Doc No 772969 M. L. Brockette
Commissioner of Education

Proposed Date of Adoption September 10, 1977

For further information please call (512) 475-7077

Texas Commission on Jail Standards

The Texas Commission on Jail Standards is proposing several amendments to its rules. Public comment on the proposed amendments to the rules of the Commission on Jail Standards is invited. Comments may be

submitted by telephoning the office of the agency at (512) 475-2716 or by writing to the commission at P.O. Box 12985, Austin, Texas 78711.

New Construction 217.05.00

The Texas Commission on Jail Standards is proposing to amend Rule 217.05.00.005, which specifies space allocation by functions. The amendment changes the language in the last paragraph, as it was formally adopted, by changing (n) to (m) and (o) to (n) to clarify the intent of the commission.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.005. *Space Allocation.* Space shall be allocated for, but not be limited to, the following functions:

- (a) inmate reception (see 217.09; 217.12)
- (b) inmate processing (see 217.06; 217.09; 217.23)
- (c) shakedown (see 217.06; 217.10; 217.14)
- (d) inmate detention (see 217.06; 217.12; 217.14; 217.15; 217.18)
- (e) adequate segregation of inmates (see 217.05; 217.07; 217.08; 217.09; 217.12)
- (f) food service (see 217.06; 217.07; 217.17)
- (g) attorney interviews (see 217.09)
- (h) storage (see 217.15; 217.16; 217.17)
- (i) visiting (see 217.06; 217.09; 217.25)
- (j) public areas (see 217.05)
- (k) booking (see 217.09; 217.10; 217.11)
- (l) identification (see 217.09)
- (m) dressing in and out (see 217.09; 217.10)
- (n) sally ports (see 217.02; 217.05)
- (o) guard stations (see 217.14)
- (p) kitchens (see 217.05; 217.07; 217.16; 217.17)
- (q) line-up (see 217.05)
- (r) laundry (see 217.05; 217.09; 217.15)
- (s) inmate commissary (see 217.05; 217.22)
- (t) inmate programs and activities (see 217.19; 217.20; 217.21; 217.22)
- (u) counseling (see 217.20)
- (v) medical examination and treatment (see 217.05; 217.09; 217.13)
- (w) jail administrative office(s) (see 217.05; 217.11; 217.12; 217.13; 217.14; 217.16)
- (x) conference area (217.05) and
- (y) squad rooms (see 217.05).

It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny any constitutional rights of inmates, custodial personnel, or the general public, and

where such use will not impair the safety, security, sanitation, or segregation of the facility. Functions (a) through (m) |(n)| inclusive apply to jails and lockups; (n) |(o)| through (y) inclusive apply to jails only.

Doc No 772994

Existing Facilities 217.07.00

The Texas Commission on Jail Standards is proposing to amend Rule 217.07.00.015, which specifies lighting exteriors of buildings. The amendment would add language to Rule 217.07.00.015 to conform to the language of Rule 217.05.00.052(b), which deals with exterior lighting for new construction.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.015. *Exterior Lighting.* Exteriors of buildings shall be lighted at night *sufficiently to observe a person in the immediate vicinity of the entrance.*

Doc No 772995

Classification and Separation of Inmates 217.12.00

The Texas Commission on Jail Standards is proposing to amend Rule 217.12.00.002, which specifies a written classification plan. This amendment would add language to the first paragraph of Rule 217.12.00.002 which will keep consistent the language used for written plans.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.002. *Classification Plan.* Each sheriff shall develop and implement a written classification plan, *approved by the commission*, which shall contain provisions for the following.

Doc No 772996

Medical Services in County Jails 217.13.00

The Texas Commission on Jail Standards is proposing to amend the first paragraph of Rule 217.13.00.002, which specifies a plan to obtain medical and dental services. This amendment would add language to Rule 217.13.00.002 which, as presently written, requires a plan, but not specifically a "written plan."

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.002. *Medical Services Plan.* Each detention facility shall have *and implement a written plan, approved by the commission*, to obtain medical and dental services when they are needed and upon an emergency basis, at any hour, day or night. The plan shall provide that the maintenance of secure custody is not jeopardized while such services are rendered.

Doc No 772997

Supervision of Inmates 217.14.00

The Texas Commission on Jail Standards is proposing to amend Rule 217.14.00.003, the basis for payment of correction officers. This amendment would change the language of Rule 217.14.00.003 as it was formally adopted to clarify and make understandable the intent of the commission.

This amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.003. *Correction Officer Pay.* *Pay for correction officers shall be equivalent to that of other appointed deputies of similar grade, status, and/or tenure whose daily duties require frequent, close, and risky contact with violators of the law.* [Pay for persons employed as corrections officers shall be on a basis comparable to and not lower than the pay of other county law enforcement officers.]

Doc No 772998

Sanitation in County Jails 217.16.00

The Texas Commission on Jail Standards is proposing to amend the first paragraph of Rule 217.16.00.001, which specifies an acceptable level of cleanliness and sanitation throughout the facility. This amendment would add language to the rule which will keep consistent the language used for written plans.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Sanitation Plan.* A facility shall have and implement a written plan, *approved by the commission*, for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility.

Doc No 772999

Discipline in County Jails 217.18.00

The Texas Commission on Jail Standards is proposing to amend the first paragraph of Rule 217.18.00.001, which specifies disciplinary procedures. This amendment would add language to the rule which will keep consistent the language used for written plans.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Inmate Discipline Plan. Every sheriff shall have and implement a written plan, **approved by the commission**, for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The plan and rules shall be available for commission review and approval.

Doc. No 773000

Recreation and Exercise in County Jails 217.19.00

The Texas Commission on Jail Standards is proposing to amend Rule 217.09.00.001, which specifies information on physical exercise. As presently written, there is no requirement for a written plan; therefore, the amendment would add language to clarify the intent of the commission.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

.001. Physical Exercise. *Each detention facility shall have and implement a written plan approved by the commission for inmate physical exercise and physical recreation.* Each inmate shall be allowed one hour of supervised physical exercise or physical recreation at least three days per week. Such exercise should be outdoors if weather and facilities permit.

Doc No 773001

Plans for Emergencies, Fire Prevention, Critical Articles in County Jails 217.24.00

The Texas Commission on Jail Standards is proposing to amend the first paragraph of Rule 217.24.00.001, which specifies information on a jail's emergency plan. This amendment would add language to the first paragraph of Rule 217.24.00.001 to clarify the intent of the commission.

The amendment is proposed under the authority of Article 5115.1, Texas Civil Statutes.

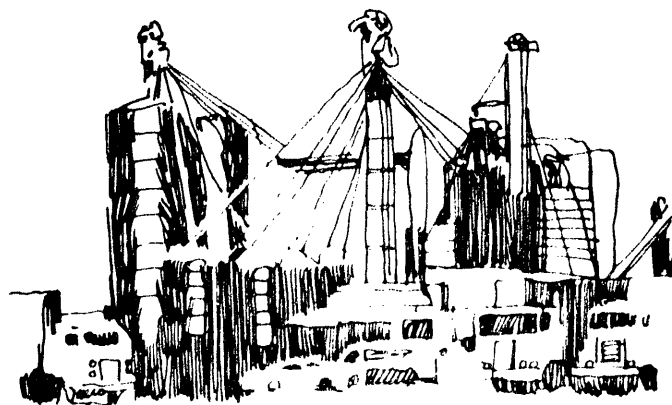
.001. Emergency Plan. The sheriff shall, by June 30, 1977, formulate and implement a comprehensive written plan to meet emergencies relative to escapes, riots, assaults, fires, rebellions, **civil disasters**, and any other type of major disaster or disturbance.

Issued in Austin, Texas, on June 13, 1977.

Doc No 773002 James Greenwood III
Chairman
Commission on Jail Standards

Proposed Date of Adoption July 24 1977

For further information please call (512) 475-2716



Texas Department of Mental Health and Mental Retardation

Other Agencies and the Public

Community Mental Health and Mental Retardation Centers 302.03.01.003

The Texas Department of Mental Health and Mental Retardation is proposing to amend Rule 302.03.01.003, which governs the awarding of state grants-in-aid by the department to community mental health and mental retardation center boards of trustees.

The proposed amendment would delete the present text of paragraph (c) of Rule 302.03.01.003, and would replace the deleted text with language which sets forth the basis on which the department will determine the amount of state grants-in-aid to be allocated to each

community mental health and mental retardation center board of trustees. The effect of the amendment would be to prescribe the basis on which the department will determine the amount of state grants-in-aid to be made to the various community mental health and mental retardation centers throughout the State of Texas.

Although the basis to be used by the department in determining the amount of state grants-in-aid is to be promulgated by the Commissioner of the Texas Department of Mental Health and Mental Retardation, the rule will become operative upon approval of the rule by the Texas Board of Mental Health and Mental Retardation.

Public comment on the proposed amendment to Rule 302.03.01.003 is invited. Comments may be submitted in writing to Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711, or by telephoning the department's central office at (512) 454-3761.

The amendment to Rule 302.03.01.003 is proposed under the authority of Section 4.01, Article 5547-204, Texas Civil Statutes.

003. Awarding of Grants-in-Aid.

(c) *Grants-in-aid for fiscal years 1978 and 1979 shall be allocated to boards of trustees on the following basis:*

(1) *an amount established by the department based on the zero-based budget documents submitted to it by each community center for each of the following program categories:*

- (A) *center administration;*
- (B) *screening and referral services;*
- (C) *outpatient services;*
- (D) *special education classes;*
- (E) *alternate residential and 24-hour residential care; and*

(F) *sheltered work-training and day/evening care;*

provided, however, that the aggregate amounts established by the department for each program category shall not exceed the appropriated funds for each such category.

(2) *The department, after consultations with community centers during the budget review process, may adjust the amount established under paragraph (c)(1), above. Upward adjustments may be requested in increments of 10 percent of the amount established under paragraph (c)(1), above.*

(3) *Riders in the appropriations act which apply to the allocation of state grants-in-aid to particular community center boards of trustees.*

[Grants-in-aid for fiscal year 1977 shall be allocated to boards of trustees in accordance with the following formula: the amount resulting from the total funds budgeted by a board of trustees as of the beginning of FY 1976 for state grant-in-aid, other state funds, and federal funds multiplied by 12 percent plus 53 cents times the total population of the area plus the amount of state grant-in-aid approved as of the beginning of FY 1976 adjusted to include an annual amount for special project funding. The above formula is expressed mathematically in the following terms: $X + (X + Y + Z)A + S + B(P)$, where "X" means the amount of state grant-in-aid for FY 1976 budgeted by a board of trustees minus the amount of state grant-in-aid for special projects, as of September 1, 1975; "Y" means the total funds budgeted by a board of trustees as of the beginning of FY 1976 for other state funds; "Z" means the total funds budgeted by a board of trustees as of the beginning of FY 1976 for federal funds; "A" means 12 percent; "S" means FY 1976 state grant-in-aid budgeted for special projects as of September 1, 1975, projected on an annual basis (less non-recurring costs) for FY 1977 multiplied by 112 percent; "B" means 53 cents; and "P" means total population of the area.]

Doc. No 772982

302.03.01.012

The Texas Department of Mental Health and Mental Retardation is proposing to amend Rule 302.03.01.012, which prescribes the standards to be used in the audits of community mental health and mental retardation centers.

The proposed amendment would add language to paragraph (a) of Rule 302.03.01.012 to indicate that Exhibit A, "Guidelines for Annual Fiscal Audits of Community MH/MR Centers," has been revised as of May, 1977.

Copies of the revised exhibit may be obtained from the department's Central Office at 909 West 45th Street, Austin, Texas.

Public comment on the proposed amendment to Rule 302.03.01.012 is invited. Comments may be submitted in writing to Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711, or by telephoning the department's central office at (512) 454-3761.

The amendment to Rule 302.03.01.012 is proposed under the authority of Section 4.01 of Article 5547-204, Texas Civil Statutes.

.012. Auditing Procedures.

(a) Each board of trustees shall submit to the department, the governor, the Legislative Budget Board, and the Legislative Audit Committee copies of an audit of its accounts made by a certified or public accountant licensed by the Texas State Board of Public Accountancy. Such audit shall follow generally accepted auditing standards and shall be in accordance with the "Guidelines for Annual Fiscal Audits of Community MH/MR Centers" (*revised May, 1977*) which is attached hereto and becomes a part of the rules as if it were fully set out herein. (Exhibit A)

(b) The annual audits will be submitted to the department no later than 120 days following the end of each grant period and shall be approved by the board of trustees. Where the board of trustees declines to approve such audit it shall attach to each copy of the audit a statement detailing its reason for failure to approve the audit.

Issued in Austin, Texas, on June 15, 1977.

Doc No 772983 Kenneth D. Gaver, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Proposed Date of Adoption July 24 1977

For further information please call (512) 454-3761

State Department of Public Welfare

AFDC

Capital Resources 326.10.32

The Department of Public Welfare proposes to amend Section (b) of its rule about personal property in the Aid to Families with Dependent Children (AFDC) Program. In the AFDC Program all property not specifically exempted must be considered as an available resource. The following amendment clarifies the procedures to be followed in determining the availability of a resource that may not be immediately available because of legal reasons.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 281, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication of this *Register*.

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

.006. Personal Property.

(b) If a resource that affects eligibility is **unavailable as a result of a court-ordered trust** [not currently available to an individual], the department contacts the court to **determine whether the** [or other source and requests that this] resource **can** be made available to the client. **However, the resource must be considered unavailable until the court orders its release.**

Doc No 772944

Food Stamps

Drug Addicts, Alcoholics, and Participants in Prepared Meal Services 326.15.53

The Department of Public Welfare proposes to repeal one of its rules about unused food coupons in the Food Stamp Program. The policy in this rule is covered in greater detail in Rules 326.15.75.001-.007 and is, therefore, in conflict and duplication.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 346, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

.010. Unused Food Coupons.

(a) When a resident leaves a treatment center during the middle of the month, the proportionate amount of food coupons should be returned to the certification office.

(b) The coupons are still considered unused coupons after they are deposited for credit at the center's bank. The fact that they are deposited in a bank does not remove the center's responsibility to return them as unused coupons after the resident leaves the center.

(c) The center cannot submit a cash refund for the unused portion of the departed resident's monthly allotment.

Doc No 772961

Child Support Collection

Case Management 326.20.61

The Department of Public Welfare proposes to amend its rule about case records in the Child Support Program. The department provides child support collection services, including services associated with location of

absent parents and paternity determination, on behalf of Aid to Families with Dependent Children (AFDC) recipients and certain other individuals upon application.

A case record documenting the status of the case is established on the basis of the absent parent for each child support case. The proposed amendment to Section (b) of this rule discusses use of alleged fathers' names. With this amendment, alleged fathers' names will be entered in the computerized child support master file.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau- 684, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

.004. Case Records.

(b) *Alleged fathers' names are entered in the computerized child support master file.* [Until such time as an alleged father signs a statement of paternity or is adjudicated as the father, the computer master file shall not contain the alleged father's actual name. The child support record shall show the name as "alleged father."]

Issued in Austin, Texas, on June 14, 1977.

Doc No 772962 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Proposed Date of Adoption July 24 1977

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

Railroad Commission of Texas

Transportation Division

Household Goods Carriers 051.03.14

Pursuant to a petition filed by Wallace Nations on behalf of Allied Van Lines, Inc., and Binion-O'Keefe Storage Company, the Railroad Commission of Texas is proposing to amend Regulation 051.03.14.002, which prescribed the requirements relating to local representatives of specialized motor carriers of household goods.

The proposed amendment would add a new Section (j), which would authorize a contract carrier of telephone equipment and supplies to also act as an intrastate agent of a household goods carrier so long as the contract carrier had no agents operating under its authority. Sections (a)-(i) are unchanged by this amendment.

Public comment on the proposed amendment to Regulation 051.03.14.002 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711.

This amendment is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

.002. Local Representatives.

(j) *Contract carriers of telephone equipment and supplies that are filed with the Railroad Commission as an intrastate agent of a household good carrier will be exempt from complying with Regulation 051.03.14.002(a), but are prohibited from having intrastate agents operate under their own telephone equipment and supplies authority, or acting as an intrastate agent for more than one household good carrier on commodities described in Regulation 051.03.14.001(b)(1)-(6).*

Issued in Austin, Texas, on June 10, 1977.

Doc No 772902 James H. Cowden, Director
Transportation Division
Railroad Commission of Texas

Proposed Date of Adoption July 24 1977

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

Liquefied Petroleum Gas Division

Liquefied Petroleum Gas Docket No. 1

051.05.03.015

The Railroad Commission of Texas is proposing to adopt by reference Liquefied Petroleum Gas report forms and to amend Rule 051.05.03.015 to reflect this adoption. These forms, identified as LPG Form Nos. 996B, 997B, 998C, 999, 16A, 16B, 18, 19, and 20, are incorporated herein and made a part hereof for all purposes.

It is anticipated that the above-referenced forms will facilitate the division's record-keeping procedures and thereby promote its safety purposes. Copies of the attachments are available upon request directed to the Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station.

Austin, Texas 78711, and may also be obtained at the offices of the Liquefied Petroleum Gas Division, 611 South Congress, Suite 500, Austin.

Public comment on the proposed action is invited. Comments may be submitted in writing to the Liquefied Petroleum Gas Division at the above post office address. Comments will be accepted until 30 days after the proposed rule amendment and adoption by reference appear in the *Texas Register*.

This amendment of Rule 051.05.03.015 and adoption by reference of LPG report forms is proposed pursuant to the authority of Section 3 (1962), Article 6066d, Texas Revised Civil Statutes Annotated.

015. LP Gas Report Forms.

LPG Form No. 8. Manufacturer's Report of Pressure Vessel Repair or Modification.

LPG Form No. 16A. Application for Examination for License.

LPG Form No. 16B. Application for Examination for Manager's Qualification.

LPG Form No. 17. Report of Odorization of Liquefied Petroleum Gases, which shall be filed within 30 days following calendar quarters ending March 31, June 30, September 30, and December 31, by any persons, firms, or corporations who odorize liquefied petroleum gases.

LPG Form No. 18. Affidavit of Lost or Destroyed License.

LPG Form No. 19. Inventory of Liquefied Petroleum Gas Bulk Storage Plants.

LPG Form No. 20. Inventory of Liquefied Petroleum Gas Service Stations and Bottle Filling Plants.

LPG Form No. 996A. Certificate of Insurance, Workmen's Compensation, or Employer's Liability.

LPG Form No. 996B. Affidavit in Lieu of Workmen's Compensation or Employer's Liability Insurance.

LPG Form No. 997A. Certificate of Insurance, Automobile Bodily Injury, and Property Damage Liability.

LPG Form No. 997B. Affidavit in Lieu of Automobile Bodily Injury and Property Damage Liability Insurance.

LPG Form No. 998A. Certificate of Insurance, Manufacturers' and Contractors' Liability, evidencing lower limits of insurance coverage.

LPG Form No. 998B. Certificate of Insurance, Manufacturers' and Contractors' Liability, evidencing upper limits of insurance coverage.

LPG Form No. 998C. Affidavit in Lieu of Manufacturers' and Contractors' Liability Insurance.

LPG Form No. 999. Notice of Insurance Cancellation.

051.05.03.017

The Railroad Commission of Texas is proposing to adopt Rule 051.05.03.017, which will require the filing of an answer in certain commission-called hearings and which will set out time requirements for such filings, the contents and provisions for amending an answer, and the form of such answer. The body of Rule 051.05.03.017(d) contains the substance of LPG Form No. 21 which will be adopted as a form for use by the division upon the adoption of the rule itself.

At present, there is no provision made by commission-wide rules or LP Gas Docket for the filing of an answer after service of notice of hearing. In that the bulk of LP Gas Division hearings are commission-called, citing a violation of the LP Gas Code or Docket, the division proposes to require dealership respondents in such hearings to file an answer which will either admit or deny, in whole or in part, charges stated in the notice of hearing and which will state the facts upon which the respondent bases his case should he deny the charges. Further, the proposed rule would require an answer to state the respondent's intent to appear at hearing or its decision to suffer a default judgment; this information would alert the division as to the necessity for division witnesses to be present at hearing. Finally, the answer provides for pre-hearing waiver of attorney which will not operate to deny the respondent a right to counsel should he appear at hearing with or through an attorney; this provision will facilitate division conformity with Section 14, Article 6252 13a, Texas Revised Civil Statutes Annotated, which requires express waiver of the right to counsel in contested proceedings before an administrative agency.

Public comment on the proposed amendment to Rule 051.05.03.017 is invited. Comments may be submitted in writing to Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until 30 days after publication of proposed Rule 051.05.03.017 in the *Texas Register*.

This proposed rule adoption is pursuant to the authority granted by Section 3, Article 6066d, Texas Revised Civil Statutes Annotated.

017. Answer Requirement in Commission-Called Hearing.

(a) Filing of answer. The respondent/dealership in any cause of action for which notice of hearing has been served and which cites such dealership to be in violation of the LP Gas Code or any rule or standard promulgated by the Railroad Commission of Texas pursuant to its statutory authority shall have seven days from the date notice is mailed to file an answer to the charge or charges set out therein with the LP Gas Division. Filing under this section shall be deemed ac-

completed when an answer is posted with the United States mail before or on due date, properly addressed and stamped with sufficient postage, or at such other time as an answer is physically delivered to the LP Gas Division, whichever occurs first.

Extension of time for filing an answer shall be considered upon motion and granted for good cause where it should appear that time for filing is insufficient. Motions for postponement of hearing date will be granted for good cause where it should appear that time for filing under these rules cannot otherwise be met or where other grounds for postponement exist.

(b) Content of answer. The answer shall contain a written statement signed by one authorized to bind the respondent/dealership which shall admit or deny, in whole or in part, the charge or charges stated in the notice of hearing or shall state the reason or reasons why it can neither admit nor deny the charges against it and shall specifically state that part, including any allegation of fact made therein, which is denied where the charge or charges are disputed in part only. In the event that the respondent denies all or part of the charge(s) contained in the notice of hearing, the answer shall contain a concise account of the facts which the respondent contends will refute all or any part of the charge(s) against it. The respondent may additionally plead in his answer as many several matters, whether of law or fact, as he may think necessary for his defense. Further, the answer shall contain a waiver of attorney where the respondent/dealership does not choose to be represented by counsel at hearing; such waiver will not deny the respondent the right to legal representation should the respondent actually appear at hearing with or through an attorney. The answer shall also contain a statement of respondent's intent to appear at hearing or, alternatively, its decision to suffer a default judgment.

(c) Amendments to answer. The answer may be amended at any time prior to or on the date for filing such pleading and thereafter with consent of all parties or upon finding that amendment will not operate to prejudice or unduly surprise any party to the cause of action.

(d) Form of answer. An answer made pursuant to this section may be made on LPG Form No. 21, adopted for use by the LP Gas Division and available to the public upon request directed to such division in Austin, Texas.

Alternatively, a respondent may submit the information required by subsection (b) herein on 8-1/2 inch x 11 inch or 8-1/2 inch x 14 inch paper, making reference to the dealership name and the docket number in the cause.

The substance of LPG Form No. 21 follows:

License Suspension

Liquefied Petroleum Gas

Or Revocation Of

Docket No. _____

Name(s) of LP Gas Licensee

Street Address

City State

ANSWER

The Respondent in this cause, being _____
(Name(s) of LP Gas Licensee), makes answer to the charges set out in the Notice of Hearing in the above-referenced Docket through its authorized agent, _____ (Name of Authorized Agent) whereby it:

(Check One)

_____ denies all charges against it and sets out its account of relevant facts on the attached sheet, incorporated by reference herein and made a part of this pleading for all purposes.

_____ admits all charges against it and pleads for leniency in the assessment of penalty.

_____ admits in part and denies in part the charged allegations and sets out its account of relevant facts on the attached sheet, incorporated by reference herein and made a part of this pleading for all purposes.

_____ states on the attached sheet(s), incorporated by reference and made a part of this pleading for all purposes, the reason or reasons why the Respondent can neither admit nor deny the charges against it.

The Respondent understands that it has a right to representation through an attorney at the scheduled hearing on this Docket and further understands that a waiver of attorney prior to hearing will not operate to deny Respondent the right to legal representation should Respondent actually appear at hearing with or through legal counsel. Consequently, the Respondent

(Check One)

_____ chooses to exercise its right to have an attorney present at the scheduled hearing and intends to appear at such hearing with or through legal counsel.

_____ does not choose to be represented by counsel at hearing but retains the right to void this waiver of attorney by appearing at hearing with or through legal counsel.

The Respondent understands that if it does not appear in person or through an authorized representative

(which may be an attorney or other agent of Respondent) it will suffer a default judgment against it and will be subject to license suspension or revocation in this cause. At this time, the Respondent intends

(Check One)

- _____ to appear at hearing and present its cause.
 _____ not to appear at hearing and to suffer possible license suspension or revocation.

The Respondent

_____ chooses to make further statement on the attached sheet(s), incorporated by reference and made a part of this pleading for all purposes. The substance of this further statement qualifies the contents of this Answer and/or sets forth, in a concise manner, its account of relevant facts and/or its interpretation of applicable laws.

_____ chooses to make no further statement at this time.

 Respondent/Licensee's Name

By: _____
 (Name and Capacity of Subscriber)

Doc No 772903

051.05.03.018

The Railroad Commission of Texas is proposing to adopt Rule 051.05.03.018, which will require notice to be given to the LP Gas Division within 30 days of certain changes in an LP gas dealership's business entity--being the death of a sole proprietor or partner; the addition, exclusion, or withdrawal of a partner; or the dissolution of a partnership or corporation--and prior to converting one business entity, licensed as an LPG dealership, into another business entity, which must become licensed prior to engaging in the LP gas operations.

The division proposes the adoption of Rule 051.05.03.018 in that the above-recited events require the licensing of a new dealership by the division and/or the surrender of an expired license and the rights and privileges appurtenant thereto.

Public comment on the proposed adoption is invited. Comments may be submitted in writing to the Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until 30 days after the publication of this *Register*.

Pursuant to the authority of Section 3 (1962), Article 6066d, Texas Revised Civil Statutes Annotated, the Railroad Commission of Texas proposes this rule to read as follows:

.018. Changes in Ownership and/or Form of Dealership. Upon the death of a sole proprietor or partner or the dissolution of a corporation or partnership or upon the change in members of a partnership, all LP gas operations of the previously existing dealership shall cease immediately, and no LP gas operation shall resume until such time, if any, that a new LP gas license is issued to successor(s) in interest. The LP Gas Division shall be notified in writing of the death of a sole proprietor or partner or the dissolution of a partnership or corporation or the change in partnership members within 30 days of such event.

A dealership must notify the division in writing of its intent to alter its existing business form prior to converting from one business entity, such as a sole proprietorship, into a different kind of business entity, such as a corporation, and must apply for and be issued a license to engage in LP gas operations in such altered form before engaging in such operations.

Doc No 772904

051.05.03.019

The Railroad Commission of Texas is proposing to adopt Rule 051.05.03.019, which expressly provides for the granting of exceptions to Liquefied Petroleum Gas Docket No. 1, sets out the basic filing and notice requirements, and states the fact which must be determined from the evidence at hearing in order to grant an application for exception.

Rule 051.05.03.019 would apprise LP gas dealers of the right to apply for exceptions to the docket, of the manner in which such application must be made, of the procedure to be followed before the hearing itself, and of the bases upon which a decision to grant an exception must rest. The procedure set out in Rule 051.05.03.019 differs somewhat from that set out in the commission-wide General Rules of Practice and Procedure, Sections 051.01.01.031-.044. Rule 051.05.03.019 would promote division goals more effectively in that it is tailored to meet the specific needs of an LP gas docket exception. Moreover, its adoption into the docket itself will render exception procedures accessible to the dealers who might wish to request exception to the docket.

Public comment on the proposed adoption of Rule 051.05.03.019 is invited. Comments may be submitted in writing to the Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Drawer 12967,

Capitol Station, Austin, Texas 78711. Comments will be accepted until 30 days after the publication of the proposal is presented in the *Texas Register*.

Rule 051.05.03.019 is proposed under the authority of Section 3, Article 6066d (1962), Texas Revised Civil Statutes Annotated.

.019. Exception to Docket.

(a) Filing the application for exception. Any licensed LP gas dealership may apply for exception to Liquefied Petroleum Gas Docket No. 1 by filing an application for exception with the Liquefied Petroleum Gas Division.

(b) Form of application. The application or pleading must be typewritten on paper not to exceed 8-1/2 by 14 inches and have an inside margin of at least one inch. Any annexed exhibits must be folded to the same size as the pleading itself. The content must be double spaced and appear on one side of the paper only.

(c) Content of application.

(1) The application shall make reference, by section number, to the applicable docket provision which serves as the general rule.

(2) The application shall state the type of relief desired, i.e., the exception applied for and those details which may be helpful in comprehending the exact nature of the exception.

(3) The application shall contain a concise statement of facts which support the applicant's case for exception, e.g., the need for such exception and the reason or reasons for such need, the safety aspects of the exception, and the social and/or economic impact of such exception.

(4) The application shall contain a description of the acreage upon which the exception, if granted, will be located should its location be stationary, which shall identify the site sufficiently to permit determination of property boundaries, and shall further state the ownership of such land and under what legal authority the applicant, if not the owner, is permitted occupancy.

(5) The application shall contain the name, business address, and telephone number of the applicant and of his authorized agent, if any.

(6) The original application shall be signed in ink by the party filing same or by his authorized representative.

(d) Division review. The application will be reviewed for sufficiency under these rules. If it does not comply substantially therewith, it shall be returned to the applicant with a statement of the reasons for rejection. Thereupon, the applicant may file an amended application. When an application is approved as sufficient, the division shall (1) docket the cause for exception, (2) assign a cause number, and (3) prepare a notice of hearing which shall be delivered to the applicant together with a copy of the approved application at such a time as will permit the applicant to give 10 days'

notice prior to the date of hearing to interested persons in the cause.

(e) Notice.

(1) By the applicant. Copies of both the application and the notice of hearing must be served upon all persons and/or business entities that are owners and/or occupants of property adjacent to the site where the proposed exception will be located, if such location is stationary, and all other interested persons or business entities, such as, but not limited to, the city council where exception will be sited at a stationary location within municipality limits or the county commission where exception will be sited at the stationary location within a rural area. The applicant shall mail copies of the application and of the notice of hearing by certified mail to all interested parties, return receipt requested, at such a time that interested parties shall receive such copies at least 10 days prior to the date of hearing, and shall forward to the LP Gas Division (1) the certificates of receipt attached to (2) a written affidavit stating that, to the best of the applicant's knowledge, all interested persons have been notified, as required therein, within the time strictures of this rule. If in fact all interested persons have not been notified, the reason for such failure to notify shall be stated in the affidavit and the name(s) and last known address(es) of such person(s) shall be stated if known. The affidavit must be signed by the applicant or his authorized representative.

(2) By the division. A copy of the notice shall be attached to the application and posted in a conspicuous place in the division's office in Austin, Texas, not less than 10 days prior to the date of hearing.

(f) Penalties. Intentional misinformation submitted by an applicant or the authorized agent of such applicant shall be punishable as set out in Article 6036c, Texas Revised Civil Statutes, and shall be grounds for dismissing the application and cause.

(g) Finding requirement. After hearing, exceptions to Liquefied Petroleum Gas Docket No. 1 shall be granted by the commission for good cause when based on a determination that the grant of such exception will neither imperil or tend to imperil the health, safety, or welfare of the general public.

Doc No 773040

051.05.03.300

The Railroad Commission of Texas is proposing to amend Rule 051.05.03.300, which will establish the amounts of insurance statutorily required to be maintained by an LP-gas dealership.

The division proposes the amendment of Rule 051.05.03.300 to accomplish, in an organized manner, the legislative intent of Section 24 of the LP-Gas Code, i.e., that those engaging in LP-gas operations be insured for those operations in which they engage and that the employees of an LP-gas dealership be covered by workmen's compensation or employers' liability insurance.

Public comment on the proposed adoption of Rule 051.05.03.300 is invited. Comments may be submitted in writing to Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until 30 days after publication of proposed Rule 051.05.03.300 in the *Texas Register*.

Pursuant to the authority of Section 24 of Article 6066d, Texas Revised Civil Statutes Annotated, the Railroad Commission of Texas proposes to adopt Rule 051.05.03.300 which reads as follows:

.300. Insurance Requirements.

(a) Pursuant to Section 24 of Article 6066d, Texas Revised Civil Statutes Annotated, the Railroad Commission of Texas has adopted the following amounts of insurance for LP-gas dealers licensed by the State of Texas:

- (1) Manufacturers or fabricators.**
 - (A) Manufacturers and contractors' liability: \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (2) Limited installers or repairmen.**
 - (A) Manufacturers and contractors' liability: \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (3) Wholesalers or jobbers.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (4) Carriers.**
 - (A) Automobile bodily injury and property damage: \$100,000, \$300,000, \$100,000.**
 - (B) Manufacturers and contractors': \$50,000, \$100,000, \$50,000.**
 - (C) Workmen's compensation.**
- (5) General installers or repairmen.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (6) Retail and wholesale dealers.**
 - (A) Automobile bodily injury and property damage: \$100,000, \$300,000, \$100,000.**
 - (B) Manufacturers and contractors': \$50,000, \$100,000, \$50,000.**
 - (C) Workmen's compensation.**

- (7) Carburetors.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (8) Bottle exchanges.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (9) Service station.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (10) Municipal corporations.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**
- (11) Bottle dealers.**
 - (A) Automobile bodily injury and property damage: \$100,000, \$300,000, \$100,000.**
 - (B) Manufacturers and contractors': \$50,000, \$100,000, \$50,000.**
 - (C) Workmen's compensation.**
- (12) Bottle installers.**
 - (A) Manufacturers and contractors': \$10,000, \$20,000, \$10,000.**
 - (B) Workmen's compensation.**

[The following kinds and amounts of insurance for the listed categories are mandatory:

- [(a) Manufacturers or fabricators. Workmen's compensation only.
- [(b) Limited installers or repairmen. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.
- [(c) Wholesalers or jobbers. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.
- [(d) Carriers. Workmen's compensation; \$100,000, \$300,000, \$100,000 Auto; \$50,000, \$100,000, \$50,000 Manufacturers and Contractors.
- [(e) General installers or repairmen. Workmen's Compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.
- [(f) Retail and wholesale dealers. Workmen's compensation; \$100,000, \$300,000, \$100,000 Auto; \$50,000, \$100,000, \$50,000 Manufacturers and Contractors.
- [(g) Carburetors. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.
- [(h) Bottle exchanges. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.
- [(i) Service station. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.

(j) Municipal corporations. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.

(k) Bottle dealers. Workmen's compensation; \$100,000, \$300,000, \$100,000 Auto; \$50,000, \$100,000, \$50,000 Manufacturers and Contractors.

(l) Bottle installers. Workmen's compensation; \$10,000, \$20,000, \$10,000 Manufacturers and Contractors.]

(b) In the event that an applicant for LP-gas license or a licensed LP-gas dealer has no employee and in the event that such an applicant or dealer does not intend to hire any person to serve as employee for such dealership, LPG Form No. 996B, an affidavit to such effect, may be filed in lieu of a certificate of workmen's compensation or employer's liability insurance on the express condition, to be stated in the affidavit, that the applicant or licensee will file such a certificate with the division prior to hiring any person or persons to serve as employee(s) of the dealership.

(c) In the event that an applicant for LP-gas license or a licensed LP-gas dealer is required to take out and maintain automobile bodily injury and property damage liability insurance in order to secure or retain a particular category license and in the event that such an applicant or dealer does not operate a motor vehicle equipped with an LP-gas cargo tank or tanks or transport LP gas in any manner by vehicle, LPG Form No. 997B, an affidavit to such effect, may be filed in lieu of a certificate of automobile bodily injury and property damage liability insurance on the express condition, to be stated in the affidavit, that the applicant or licensee will file such a certificate with the division prior to the delivery or transport of LP gas by motor vehicle.

(d) In the event that an applicant for LP-gas license or a licensed LP-gas dealer is required to take out and maintain manufacturers and contractors' liability insurance in order to secure or retain a particular category license, and in the event that such an applicant or dealer does not engage in any LPG operations, LPG Form No. 998C, an affidavit to such effect, may be filed in lieu of a certificate of manufacturers and contractors' liability insurance

on the express condition, to be stated in the affidavit, that the applicant or licensee will file such a certificate with the division prior to engaging in any LP-gas activities.

Issued in Austin, Texas, on June 17, 1977.

Doc No 773041

John E. White, Director
Liquefied Petroleum Gas
Division
Railroad Commission of Texas

Proposed Date of Adoption: July 24, 1977

For further information, please call (512) 475-4352.

Texas Water Rights Commission

Appropriation of Water

Temporary Permits 129.02.40

The Texas Water Rights Commission is proposing for permanent adoption the emergency amendment to Rule 129.02.40.002, which appears in this issue.

Public comment on the proposed amendment to Rule 129.02.40.002 is invited. Comments may be submitted by writing to Ryan Petty, Legal Division, Texas Water Rights Commission, P.O. Box 13207, Capitol Station, Austin, Texas 78711. The proposed date of adoption is July 24, 1977.

Doc No 772938

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.

Texas Education Agency State Commissioner of Education

Duties and Responsibilities of the Commissioner 226.13.02

The Texas Education Agency has amended item (10) of the policy section of Rule 226.13.02.010, concerning duties and responsibilities of the Commissioner of Education. The change clarifies the commissioner's responsibilities toward the Texas School for the Blind and the Texas School for the Deaf.

Public review and discussion of the proposed amendment were held. The amendment was adopted with one change from the text proposed. The effect of the change is to leave the commissioner's responsibilities to nominating the superintendent.

This rule is promulgated under the authority of Sections 11.02, 11.26, and 11.52, Texas Education Code.

.010. Major Duties and Responsibilities. Policy

The Commissioner of Education serves as executive officer of and executive secretary to the State Board of Education and the State Board of Vocational Education, and is over-all administrator of the Texas Education Agency. He shall furnish vital, energetic, and responsible leadership for the public education system in Texas. His major duties and responsibilities shall be to:

(10) with the advice of the Board of the Texas School for the Blind and the Texas School for the Deaf, nominate a superintendent for each school, subject to appointment by the state board;

Doc No 772963

Teacher Certification

Requirements for Teacher Certificates 226.62.03

The Texas Education Agency has amended Rule 226.62.03.020, concerning requirements for teacher certification.

Only the administrative review section of the rule is changed. The following changes have been made:

(1) the addition of subsection (a-d), Requirements for the Provisional Certificate, to add a provisional certificate for teachers of young children, ages three to eight;

(2) the amendment of subsections (a-c) and (b-c) to permit permanent certification for guidance associates; and

(3) the addition of subsection (e-f), Interim Endorsement Requirements for Teachers of the Severely/Profoundly Handicapped.

The changes concerning the guidance associate occur in two tables which are adopted by reference and are not reprinted here. The following statement is added to each table: "Certification for Guidance Associates will be permanent, and for those graduates of the program that entered prior to May 31, 1977, full certification will be accorded."

Public review and discussion of the proposed rule were held. Throughout subsection (a-d) the word "including" was substituted for "to include." In subsection (e-f), internal cross-references were clarified, and in (a-d), part (13-2) was rewritten, also for clarity. The rule is adopted with no other changes from the text proposed.

This rule is promulgated under the authority of Section 13.034, Texas Education Code.

.020. Specific Requirements for Teacher Certification by Class and by Level Including Areas of Specialization and Endorsements.

(a-c) Areas of academic specialization.

Each elementary certificate identifies the area of specialization in which the individual has completed the minimum requirements. The following lists the areas of specialization for certificates dated after September 1, 1966. The individual must take the minimum number of hours of preparation in the specific area as

indicated in the list. Plan I requires that an individual complete a minimum of 18 semester hours, with nine advanced, of courses in the area designated for the field. Plan II requires that an individual complete a minimum of 24 semester hours, with 12 advanced, in an area of course work.

Anthropology	Plan I and Plan II
Art	Plan I and Plan II
Bilingual Education	Plan II
Biology	Plan I and Plan II
Chemistry	Plan I and Plan II
Czech	Plan I and Plan II
Deaf and/or Severely Hard of Hearing	Plan II
Deficient Vision	Plan II
Drama	Plan I and Plan II
Economics	Plan I and Plan II
English	Plan I and Plan II
French	Plan I and Plan II
Geography	Plan I and Plan II
Geology (Earth Sciences)	Plan I and Plan II
German	Plan I and Plan II
Government	Plan I and Plan II
Guidance Associate	Plan II (and ex- ceptions)
Health and Physical Education	Plan I and Plan II
Health	Plan II
History	Plan I and Plan II
Home Economics	Plan II
Industrial Arts	Plan I and Plan II
Life-Earth Middle School Science (Grades 6-8)	Plan II
Mathematics	Plan I and Plan II
Music	Plan I and Plan II
Psychology	Plan I and Plan II
Physical Education	Plan II
Physical Science	Plan II
Physics	Plan I and Plan II
Reading	Plan I and Plan II
Russian	Plan I and Plan II
Sociology	Plan I and Plan II
Spanish	Plan I and Plan II
Special Education Generic	Plan II
Speech	Plan I and Plan II

The elementary areas of specialization, semester hour requirements, exceptions, and other requirements are listed in the table. Elementary Areas of Specialization, as amended June, 1977, which is adopted by reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays and Sundays, at the Texas Education Agency (headquarters) building, 201 East 11th Street, Austin, Texas.

(a-d) Requirements for the provisional certificate teachers of young children, ages three through eight

(pre-kindergarten-- kindergarten-- grades one through three)

(1) General education: as established in all certification standards:

(1-1) English-- 12 semester hours

(1-2) Constitutions of the U.S. and Texas-- 3-6 semester hours

(1-3) American history-- 6 semester hours

(1-4) Math, science, foreign language-- 12 semester hours from at least two areas

(1-5) Electives-- 6 semester hours

(2) multicultural education: as established in present certification program standards.

(3) Area of specialization (young children): at least 24 semester hours, 12 of which must be at the junior level or above, in early childhood development/education as offered by a college or department of home economics, a college or department of education, or any appropriate interdisciplinary combination of college or departmental units within an institution approved for teacher education.

(3-1) nutrition and health

(3-2) school and family

(3-3) psychomotor development

(3-4) affective development

(3-5) language and cognitive development

(3-6) child psychology

(3-7) child growth and development

(3-8) cultural dynamics of family relationships (changes throughout the family life)

(3-9) social and emotional development of the young child

(3-10) survey of day care

(4) Related studies. At least 12 semester hours in a subject or subjects the course content of which is related to the early childhood and primary grade curriculum as attested to by catalog description selected from the following:

(4-1) reading

(4-2) psychology

(4-3) sociology

(4-4) anthropology

(4-5) nutrition

(4-6) physical education in early childhood (movement education; sensory integration)

(4-7) linguistics

(4-8) bilingual education

(4-9) special education

(4-10) speech

(4-11) art

(4-12) music

(4-13) language development

(4-14) drama

(5) Professional development: At least 30 semester hours at junior level or above in a program of professional education appropriate for teachers of young children. Such program shall include founda-

tions of education and subject area content, as well as preparation in the skills and principles for teaching young children, and shall require three semester hours each in the teaching of developmental reading, the teaching of mathematics, and the teaching of language development. Appropriate laboratory and field experiences and at least six semester hours of student teaching shall be required.

The professional development program (24 semester hours exclusive of student teaching) shall include:

- (5-1) foundations of education
- (5-2) knowledge, skills, and strategies for the implementation of instruction to children ages three through eight, and shall include the following content areas:
 - (5-2-1) reading (including developmental)
 - (5-2-2) mathematics
 - (5-2-3) science
 - (5-2-4) social studies
 - (5-2-5) health and safety
 - (5-2-6) music
 - (5-2-7) art
 - (5-2-8) language development
 - (5-2-9) language arts
 - (5-2-10) children's literature
- (5-3) Skills and principles:
 - (5-3-1) professional decision making
 - (5-3-2) development, organization, and evaluation of programs for young children
 - (5-3-3) analysis of learning environment
 - (5-3-4) curriculum development
 - (5-3-5) survey of exceptionalities
 - (5-3-6) instructional strategies
 - (5-3-7) physical facilities, equipment, and materials for the young child
 - (5-3-8) professional-ethical teaching skills
 - (5-3-9) survey of early childhood education
 - (5-3-10) tests and measurements for early childhood

(Note: Colleges and universities may plan their programs so that some of these areas will be included in other sections of the total program rather than this section.)

(6) Laboratory and field experiences: The preparation program for the certificate teachers of young children, ages three through eight, must include planned observations and interaction experiences with children, parents, and families in a variety of settings and from a variety of socio-economic and cultural backgrounds as an integral part of both the area of specialization and the professional education components.

Schools operated by the college or university, public or private off-campus schools, and non-school agencies or settings approved by the college/university offering the

program may provide facilities for laboratory and field experiences.

Each student must log a minimum of 60 clock hours of planned and supervised laboratory and field experiences prior to student teaching. Case studies may be included in these records.

(7) Student teaching: At least six semester hours of student teaching must take place in an accredited school with a supervising teacher who is certified at the level and in the area of specialization sought by the student teacher. Three semester hours of student teaching must be done in grades one through three, and three semester hours must be below grade one.

(8) Areas of instruction: The topics described are not intended to be a listing of course titles but rather are areas of instruction to be included within the total program. Grouping of these topics into courses and the placement of courses within the institutional structure are the responsibilities of each institution desiring to submit a program. The topics listed are not intended to be all inclusive nor are they intended to be restrictive. Institutions may supplement but may not supplant the areas of instruction described in this program.

(9) Assignment: The holder of the certificate teachers of young children, ages three through eight, is eligible to be assigned as teacher of record in public school classes, grades, and programs for children three and four years old, kindergarten, and grades one, two, and three.

(10) Prior service provision: A person who held a valid Texas provisional elementary certificate and the kindergarten endorsement prior to September 1, 1979, had one year or more teaching experience in programs for children age three through grade three (must include pre-primary and/or primary levels) in an accredited school, and at least 18 semester hours of early childhood development education may be eligible to receive the certificate for teachers of young children, ages three through eight. To apply for this certificate based on prior experience, send a completed application, \$2 fee, complete official transcripts of all college work and degrees, and verification of acceptable teaching experience to the Division of Teacher Certification.

(11) Out-of-state graduates: A person holding degrees and/or certificates from institutions and/or states other than Texas may apply for the certificate, teachers of young children, ages three through eight, by submitting to the Division of Teacher Certification:

- (11-1) completed application
- (11-2) \$2 fee
- (11-3) copy(ies) of out-of-state certificate(s) held
- (11-4) verification of acceptable teaching experiences

(11-5) official transcripts showing all degrees and college work

(11-6) the above documents will be evaluated in keeping with the approved programs for this certificate.

(Appendices A and B: The descriptors of the topics of instruction presented in appendices A and B are included to provide guidance. The descriptors are not intended to be all inclusive nor are they intended to be restrictive. This guidance is provided to facilitate program development by institutions and program approval by the Texas Education Agency.

(12) Appendix A: Descriptors for the area of specialization.

(12-1) Affective development: Inter- and intrapersonal relationships of teachers and children, including strategies for managing behaviors with empirical evidence to support the theories presented.

(12-2) Child growth and development: Sequential stages of growth and maturation, including standard assessment of typical and atypical behaviors of children, birth through adolescence.

(12-3) Child psychology: Behavioral science foundations of early childhood education, including psychosexual-personality, normative-maturational, behavioral-environmental, cognitive-transactional, and humanistic.

(12-4) Cultural dynamics of family relationships (changes throughout the family life): The interactive role of the family members and the processes of family life from early marriage through grandparenting, including the similarities and differences of familial life styles and their effects on families and children.

(12-5) Language and cognitive development: The intimate relationships between language and thought, including the sequence of language learning and the major assumptions about how language is learned with empirical evidence to support the developmental theories presented. Also to be included are the systematic changes of intellectual structure and the teacher's role in enhancing both language and thinking within the educational process.

(12-6) Nutrition and health: The effects of nutrition and health on the total development of the young child, including planning for effective nutrition, health, and safety programs for children, recognizing the responsibility of the home, the school, and the community.

(12-7) Psychomotor development: Developmental sequence of motor performance, including activities and materials to enhance sensory motor integration, gross and fine motor development, self-help, and perceptual motor skills with empirical evidence to support the theories presented.

(12-8) School and family: Development of

school-community interaction, including parent-teacher relationships and the school's role in parent education.

(12-9) Social and emotional development of the young child: Sequential development of social-emotional behaviors, with strategies for developing self-discipline, for developing individual creative capacities, and for developing positive relationships with peers and adults.

(12-10) Survey of day care: Principles and procedures for day care, including program management and implementation. Traditional day care and a variety of alternative day care programs shall be treated.

(13) Appendix B: Descriptors for professional development.

(13-1) Analysis of learning environment: Application and evaluation of factors affecting the learning of young children, including the selection and planning of physical facilities in the classroom, both indoors and outdoors, as indicated by attention to environmental factors, developmental needs and interests, and learning theories.

(13-2) Children's literature: A survey of those literary forms past and present which have relevance to young children, including selection and strategies for incorporating them into the curriculum.

(13-3) Curriculum development: The planning and evaluation of learning activities based on the needs and interests of young children, including the setting of goals and objectives, preassessment of learning, instructional strategies, and the evaluation of learning and the learning process.

(13-4) Development, organization, and evaluation of programs for young children: Evolution of contemporary early childhood programs from the past to the present, including administrative procedures and criteria for evaluation.

(13-5) Instructional strategies: Study of and experiences with application of alternative instructional strategies such as team teaching, peer teaching, questioning for guided discovery and problem solving, teacher directed, and independent learning activities should include techniques and practice in self-evaluation.

(13-6) Language arts: Development of listening, speaking, reading, spelling, and writing skills for effective academic function, including the prerequisite verbal and motor skills. Methods and materials which support the acquisition of basic skills and stimulate creative use of those skills shall be included.

(13-7) Language development: Development of language skills for effective academic function, including the prerequisite communication skills relevant to reading and mathematics.

(13-8) Physical facilities, equipment, and materials for the young child: Studies of existing cen-

ters for young children. Indoor and outdoor space needs, research related to early childhood educational facilities, including criteria for selecting and maintaining indoor and outdoor equipment.

(13-9) Professional decision making: Early education as a career, including motivation to teach young children, social relevance, and career opportunities. Also to be included are the interactions of the roles of all personnel in programs for young children and the impact of legislation and professional organizations on the functions of programs.

(13-10) Professional-ethical teaching skills: Skills necessary for management of the early childhood educational program, including record-keeping, a variety of professional instructional settings such as self-contained, open concept, team teaching, and collaborating. Skills appropriate to day care shall also be included and shall treat peer supervision, leadership, and continuing professional growth. The teacher's professional role in school-family-community cooperative programs shall be emphasized.

(13-11) Survey of early childhood education: Overview of approaches, past and present, to early childhood education, including descriptions of theoretical bases, research, evaluation, and practical application in programs for young children.

(13-12) Survey of exceptionalities: A knowledge of techniques which help to determine characteristics of the types of exceptionalities, philosophy of mainstreaming, and current laws affecting placement of children.

(13-13) Tests and measurement for early childhood: Overview of tests appropriate for assessment of young children's intellectual, social, and motor development, including preparation for ethical management of communication of results within the professional community and with parents. Indicators of exceptionalities as well as normative behaviors shall be included.

(b-c) Teaching fields (area of academic specialization). Each junior high and/or high school certificate identifies the teaching fields in which the individual is prepared. The teaching field is the area of academic specialization within which the individual has completed the minimum requirements.

The following lists teaching fields for certificates dated after September 1, 1966. The individual must take the minimum number of semester hours for preparation in the specific field as indicated in the list. Plan I requires that an individual complete a minimum of 24 semester hours of courses in each area designated for the fields. This requires that an individual must complete requirements for two teaching fields. Plan II requires that an individual complete a minimum of 48 semester hours in a broad-fields area of related course work. Plan III

requires that the individual complete a minimum of 48 semester hours of academic, nontechnical vocational course work in the teaching field area. Some exceptions will be found in the vocational-technical certificates where approved work experience is needed for certification.

Agriculture	Plan III
Anthropology	Plan I
Art	Plan I and Plan II
Basic Business	Plan II
Bilingual Education	Plan I
Biology	Plan I
Business	Plan II
Business, General	Plan I
Business, Secretarial	Plan I
Chemistry	Plan I
Chinese	Plan I
Computer Information System	Plan I
Coordinated Vocational Academic Education (CVAE)	Exceptions
Czech	Plan I
Deaf and/or Severely Hard of Hearing	Plan I
Deficient Vision	Plan I
Distributive Education-- Vocational	Plan II (and exceptions)
Drama	Plan I
Earth Science	Plan I
Economics	Plan I
English	Plan I
English Language Arts	Plan II
French	Plan I
Geography	Plan I
German	Plan I
Government	Plan I
Guidance Associate	Plan I (and exceptions)
Health Education	Plan I
Health Occupations Education	Exceptions
Health and Physical Education	Plan I
Hebrew	Plan I
History	Plan I
Home Economics	Plan III
Industrial Arts	Plan II and Plan III
Italian	Plan I
Journalism	Plan I
Latin	Plan I
Life-Earth Middle School Science	Plan I
Mathematics	Plan I
Music	Plan I and Plan II
Occupational Orientation	Exceptions
Physical Education	Plan I
Physical Science	Plan I
Physics	Plan I
Portuguese	Plan I

Pre-employment Lab-- Home

Economics	Plan II
Psychology	Plan I
Reading	Plan I
Russian	Plan I
Science Composite	Plan II
Social Science Composite	Plan II
Sociology	Plan I
Spanish	Plan I
Special Education Generic	Plan I
Speech	Plan I
Speech-- Drama	Plan II
Vocational Agriculture	Plan II
	(and exceptions)
Vocational Handicapped	Exceptions
Vocational Homemaking	Plan II
Vocational Office Education	Exceptions
Vocational Industrial Education	Exceptions

The junior high school and high school teaching fields, semester hour requirements, exceptions, and other requirements are listed in the table, Junior High School and High School Teaching Fields, as amended June, 1977, which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) building, 201 East 11th Street, Austin, Texas.

(e-f) Interim endorsement requirements for teachers of the severely/profoundly handicapped (s/ph)

(1) Individuals who have prior service:

(1-1) hold a valid Texas special education teaching certificate or endorsement in special education;

(1-2) have completed two successful years of teaching s/ph (including but not limited to deaf/blind) children prior to the beginning date of the requirements in an accredited and/or approved school, agency, or institution;

(1-3) earned a minimum of six semester hours of college or university credit in courses specifically related to teaching the severely and profoundly handicapped;

(1-4) for teachers meeting (1-1) and (1-2), a special assignment permit may be issued for a period up to two years during which (1-3) may be met. A minimum of six semester hours must be acquired per year.

(2) Individuals who have had no prior experience:

(2-1) hold a valid Texas teaching certificate or endorsement in one of the following areas:

(2-1-1) generic

(2-1-2) speech and hearing

(2-1-3) blind/deficient vision

(2-1-4) deaf/severely hard of hearing or

(2-1-5) until 1980 a combination of two of the following:

(2-1-6) physically handicapped

(2-1-7) mentally retarded

(2-1-8) emotionally disturbed

(2-1-9) language and/or learning disabilities

(2-1-10) early childhood

(2-2) earned minimum of 12 semester hours of college or university credit in courses specifically related to teaching the severely and profoundly handicapped, including six semester hours of field experience in an accredited and/or approved school, agency, or institution.

(2-3) Individuals who hold a valid Texas certificate may be placed on special assignment permit until the 12 semester hours of college or university credit in courses specifically related to teaching the severely and profoundly handicapped, including six semester hours of field experience in an accredited and/or approved school, agency, or institution, have been completed. A minimum of six semester hours must be acquired per year.

(3) Individuals who have completed a program for s/ph (including but not limited to deaf/blind) but who do not hold a valid certificate may be placed on an emergency teaching permit until all certification requirements are met.

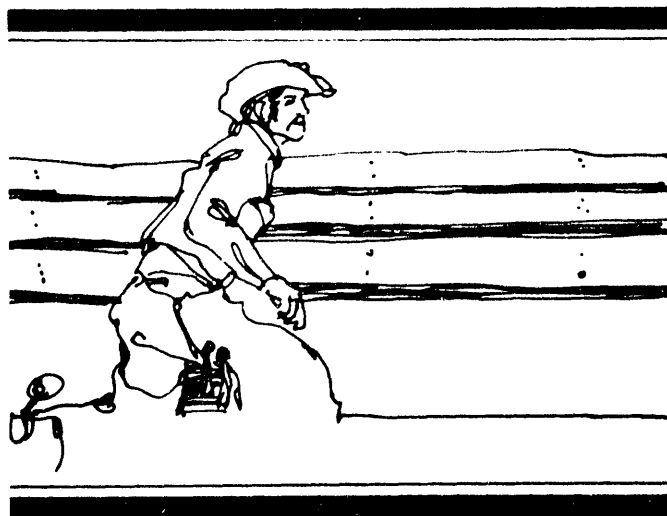
Issued in Austin, Texas, on June 13, 1977.

Doc No 772966

M. L. Brockette
Commissioner of Education

Effective Date: July 3 1977

For further information please call (512) 475-7077



Texas Commission on Jail Standards

New Construction Rules 217.05.00

These amendments are adopted under the authority of Article 5115.1, Texas Civil Statutes.

.053. Emergency Electrical Power. An emergency electrical power facility for quick recovery to maintain essential services, security, and safety shall be provided to meet the life safety requirements. (See 217.08)

Doc No 773003

Inmate Housing Rules 217.06.00.007

These amendments are adopted under the authority of Article 5115.1, Texas Civil Statutes.

.007. Day Rooms. All inmate living areas shall be provided with day rooms. Day rooms should be designed to accommodate not more than eight inmates, but shall not be designed to accommodate more than 24 inmates, and shall contain not less than 40 square feet of clear floor space for one inmate plus 18 square feet of floor space for each additional inmate. Day rooms shall have a water closet, lavatory (capable of providing drinking water), and shower available at all times for each group of eight inmates, or increment thereof, to be confined herein.

Each day room may otherwise be suitably furnished with, but not limited to, the following: seats and tables to accommodate the number of inmates to be confined therein, visiting facilities, dining facilities and other activities. Sufficient lighting shall be provided for reading, recreation, and other similar activities. Lock-ups need not have a day room.

Doc No 773004

217.06.00.020

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.020. Tables and Benches. Tables and benches should be constructed of materials to reduce maintenance. They shall be fireproof and securely anchored. Benches shall be not less than 12 inches wide, securely anchored to floor or wall surfaces. Linear seating dimensions shall be not less than 18 inches per person to be seated on the bench simultaneously. Table and benches need not be anchored in facilities housing only low-risk inmates.

Doc No 773006

217.06.00.027

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.027. Food Passes. Where used, food passes shall be adequate to pass normal food trays, i.e., approximately 15 inches by 4 inches. Where deemed necessary, lockable shutters should be provided to prevent passage of contraband.

Doc No 773007

Existing Facilities Rules 217.07.00

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.016. Emergency Power. Emergency electrical power facilities should be provided.

Doc No 773008

Life Safety Rules 217.08.00

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.013. Emergency Security Doors. Emergency sliding security doors should also be located at openings in inmate corridors and in outside walls so as to permit quick egress from an area assuming fire and dense smoke to be present.

Doc No 773009

Food Service in County Jails

217.17.00

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.005. Staff Supervision. Food shall be served only under the immediate supervision of a staff member, and care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold. Inmates who prepare or serve food should have a food handler's certificate as per Article 4476-10, Vernon's Annotated Civil Statutes.

Doc No 773010

Recreation and Exercise in County Jails 217.19.00.001

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.001. *Physical Exercise.* Each inmate shall be allowed one hour of supervised physical exercise or physical recreation at least three days per week. Such exercise should be outdoors if weather and facilities permit.

Doc No 773011

217.19.00.003

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.003. *Day Rooms.* Where feasible, a day room should be provided for reading, writing, or other indoor activities. Activities such as arts, crafts, cards, dominoes, checkers, chess, and similar diversions should be considered as possible non-physical recreational activities. A television and radio may be made available for day room viewing and listening.

Doc No 773012

Compliance and Enforcement 217.25.00

This amendment is adopted under the authority of Article 5115.1, Texas Civil Statutes.

.002. *Regular Commission Inspections.* The executive director, or his authorized representatives, from time to time not less than once each year for the express purpose of determining the care, conditions, and standards provided for inmates confined in jails, shall visit and inspect each county jail within this state, shall inquire into each jail's security, control, conditions, and compliance with the established minimum standards for jails, and shall within 45 days of each visit and inspection report the results thereof to the commissioners court and sheriff responsible for such jail, and to the commission on the form prescribed by the commission contained in the appendix to these rules.

Issued in Austin, Texas, on June 14, 1977.

Doc No 773013 James Greenwood III
Chairman
Commission on Jail Standards

Effective Date July 7 1977

For further information please call (512) 475-2716

State Department of Public Welfare

Food Stamps

Support Documents 326.15.99

The Department of Public Welfare adopts the following amendment to its rule which adopts by reference the federal regulations which set forth the maximum income eligibility standards and basis of issuance tables for the Food Stamp Program. These regulations appear in *Federal Register* Document No. 77-12402, pages 22356-22358 and No. 77-15838, page 28516, and have a federally mandated effective date of July 1, 1977. These regulations increase the coupon allotments and the net income eligibility standards for household participation.

This amendment is adopted under the authority of Article 695c, Texas Civil Statutes, effective July 1, 1977, pursuant to federal requirements.

.002. *Federal Register Document No. 77-12402.* The Department of Public Welfare adopts by reference the food stamp rules and appendix contained in *Federal Register* Document No. 77-12402, pages 22356-22358 of Volume 42, No. 85, and *Federal Register* Document No. 77-15838, page 28516 of Volume 42, No. 107, which amends 7 C.F.R., Part 271.

Issued in Austin, Texas, on June 17, 1977.

Doc No 773022 Raymond W. Vowell
Commissioner
State Department of Public Welfare

Effective Date July 1 1977

For further information please call (512) 475-4601

Teacher Retirement System of Texas

Administrative Procedures 334.02.00

Under the authority of Subsections (a), (d), and (i) of Section 3.59, Texas Education Code, as amended, the Teacher Retirement System of Texas has adopted Rule 334.02.00.Q05, to read as follows:

.005. *Nomination of Active Members and Retirees for Appointment to the State Board of Trustees.*

(a) During any calendar year in which the term of office of an active teacher or retired teacher member

expires, the Teacher Retirement System of Texas will conduct an election between September 1 and October 15 to select the nominees to be considered by the governor for appointment to the position.

(b) Active teacher members of the system may have their names listed on the official ballot as candidates for nomination to an active teacher position by filing an official petition bearing the signature, printed or typed name, and social security number of 500 active members of the system. Retired teachers may have their names listed on the official ballot as candidates for nomination to the retired teacher position by filing an official petition bearing the signature, printed or typed name, and social security number of at least 100 retirees of the system. Official petition forms shall be available from the Teacher Retirement System of Texas, 1001 Trinity, Austin, Texas 78701. Official petitions must be filed by July 1 of the calendar year in which the election is to be held. A qualified member or retiree may sign more than one candidate's petition.

(c) Upon verification of petitions by the system, the names of qualified candidates shall be printed on the ballot. The ballot shall also provide space for write-in candidates. Ballots shall be mailed on or before September 1 of the year in which the election is held to the last known home address of each active member or

retiree. Ballots must be returned to the Teacher Retirement System by October 15 of the year in which the election is held in order to be counted. The executive secretary shall cause the ballots to be counted. Names of the candidates for each position receiving the three highest number of votes shall be certified by the executive secretary to the governor.

Issued in Austin, Texas, on June 10, 1977.

Doc No 772895 Leonard Prewitt
Executive Secretary
Teacher Retirement System
of Texas

Effective Date June 30 1977

For further information please call (512) 477-9711 Ext 213

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

U.S. Supreme Court

Paul v. Gammage

By refusing to grant a writ of *certiorari* in this case, the U.S. Supreme Court has allowed to stand a decision by the Texas Supreme Court delivered March 2, 1977.

The Texas Election Code, Section 9.01, which vests state courts with original and exclusive jurisdiction over election contests for "federal offices," is inapplicable to the contest of an election for a member of congress. Any attempt to apply such a provision to congressional elections would violate Article I, Section 5 of the U.S. Constitution, which provides that "each House shall be the Judge of the Elections, Returns and Qualifications of its own Members . . ." (45 USLW 3788)

Filed June 7 1977 Washington, D.C.
Doc No 2C60

Gibson Products, Inc., of Richardson v. Texas

By refusing to grant a writ of *certiorari* in this case, the U.S. Supreme Court allows to stand a decision delivered by the Texas Supreme Court on December 22, 1976.

Texas laws prohibiting retailers from selling enumerated merchandise, which includes clothing, footwear, household furnishings, goods and appliances, on both Saturday and Sunday does not violate the 14th Amendment's due process and equal protection clauses. (45 USLW 3789)

Filed June 7 1977 Washington, D.C.
Doc No 2C61

2nd Court of Civil Appeals

RKA v. State

Trial court certified the defendant to be tried as an adult. In doing so, the trial court denied hearings on mental illness at the time of the trial and on sanity at the time of the alleged incident, and the trial court made no findings as to the defendant's responsibility for conduct as a result of mental disease or defect.

Held: Sections 55.02 and 55.05, Family Code, apply only in the event a child is to be tried as a juvenile on the issue of delinquent conduct or need for supervision. If the defendant is certified to stand trial as an adult, then his sanity will be measured by more onerous adult standards, not by those applicable to juveniles.

Since the delinquent-conduct and need-for-supervision statutes are not yet applicable, it follows that the court was not required to make findings under them. Section 55.04 does require determination of the child's fitness to proceed if it is in question. Determination of that issue must be made separate from, and prior to, transfer to criminal court or adjudication. Here, however, counsel for the defendant never prayed for such a hearing. (14 TLWD 24, at 5)

Filed May 26 1977 Fort Worth
Doc No 2C62

3rd Court of Civil Appeals

Bullock v. City National Bank of Austin

A husband and wife created trusts funded by insurance policies on the husband's life, one for the benefit of the wife and the other for the benefit of their children. The husband, wife, and all children were killed in a plane crash. The insurance was term insurance.

Held: For inheritance tax purposes, the wife's ownership interest in the community policy was not one-half of proceeds, but one-half of the interpolated terminal reserve value of the policies.

Interpolated terminal reserve value is not cash surrender value, but the reserve in which the insurance company enters on its books against the company's liability on a contract, and interpolated indicates adjustment of reserve to a specific date in question. (14 TLWD 24, at 2)

Filed April 27 1977 Austin
Doc No 2C63

Hickman v. Board of Regents of University of Texas System

The plaintiff, a university student, sought to enjoin the defendants from attempting to influence election outcomes or legislation through the student newspaper. The trial court denied a temporary injunction.

Held: Affirmed. The plaintiff failed to show he would suffer any injury if the temporary injunction were not granted pending a hearing on the merits. To grant a temporary injunction under such circumstances would have been improper and an abuse by the trial court of its discretion. (14 TLWD 24, at 5)

Filed June 1 1977 Austin
Doc No 2C65

Thompson v. State

A minor's misdeeds were done in an aggressive manner over a sustained period of time. The infamous nature of the defendant's acts reflects unfavorably upon the chances for his rehabilitation within the contemplation of Section 54 02(f)(6), Family Code. (14 TLWD 24, at 5)

Filed June 1, 1977 Austin
Doc No 2C64

8th Court of Civil Appeals County of El Paso v. Hotel Dieu Hospital and Medical Center

That only two percent of the plaintiff hospital's operating budget is allocated to charity does not prevent it from being declared a public charity exempt from taxation. (14 TLWD 24, at 2)

Filed April 27, 1977 El Paso
Doc No 2C66

9th Court of Civil Appeals Sjolander v. City of Houston

The plaintiff's land is near an airport owned by the defendant. The plaintiff had contracted for aerial spraying of a rice crop, but the spraying service could not get a permit to fly over the fields because the planes were not equipped with two-way radios.

Held: Regulation of use of air space over a leasehold interest is a taking by inverse condemnation and is compensable under Section 17, Article I, Texas Constitution. However, "taking" here is a partial taking and must be adjudged accordingly. The amount of damages to the remainder must be determined by finding the difference in market value immediately before and immediately after the taking. (14 TLWD 24, at 4)

Filed May 5 1977 Beaumont
Doc No 2C67

City of Port Arthur v. Bowling

A two-year statute of limitations is applicable to an inverse condemnation action for maintenance of a sewer line constituting a nuisance (because of smell), since this was an action for injury done to an estate or property of another within Article 5526(1), Revised Civil Statutes. (14 TLWD 24, at 4)

Filed May 5, 1977 Beaumont
Doc No 2C68

14th Court of Civil Appeals Schultz v. City of Houston

Plaintiff slipped and fell on an airport driveway after it had been washed down with a scrubbing machine using soapy water within half an hour of the fall. The trial court entered a summary judgment for the defendant.

Held: Reversed and remanded. Plaintiff's pleadings and deposition show a cause of action within the Tort Claims Act. (14 TLWD 24, at 3)

Filed May 4 1977 Houston
Doc No 2C69

2500 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 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 Alcoholic Beverage Commission

Meeting

A meeting of the Texas Alcoholic Beverage Commission will be held on Monday, June 27, 1977, 10 a.m., on the ninth floor of the Sam Houston Building, 201 East 14th Street, Austin, to hear the administrator's report for each division, and to approve destruction of tested alcoholic beverages.

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

Filed: June 14, 1977, 1:59 p.m.

Doc No 772929

Texas Animal Health Commission

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Animal Health Commission held on Wednesday, June 15, 1977, 9 a.m., in Room 618 of the Stephen F. Austin Building, Austin, to include consideration of threatened litigation against the commission. The additional item was considered at 3 p.m., in order to be timely posted.

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

Filed: June 15, 1977, 8:44 a.m.

Doc No 772945

State Board of Barber Examiners

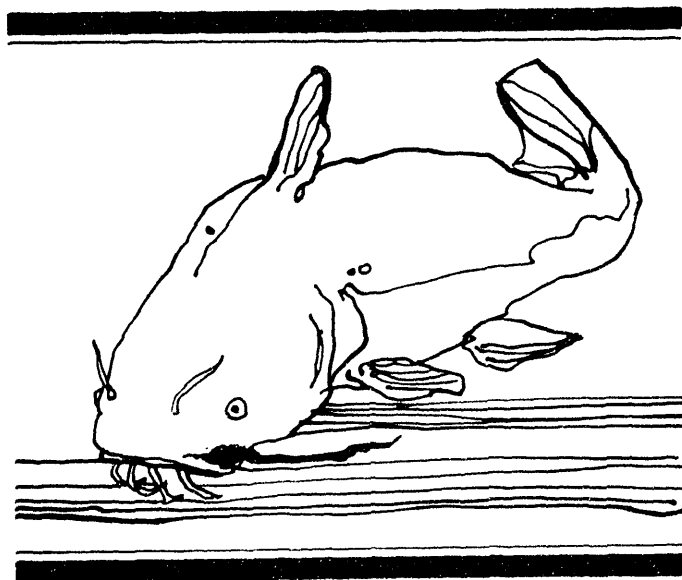
Meeting

A meeting of the State Board of Barber Examiners will be held on Monday, July 4, 1977, 8 a.m., in Room 510 (conference room) of the Sam Houston Building, 201 East 14th Street, Austin, to discuss current business, and to hold interviews with all persons meeting with the board.

Additional information may be obtained from O. W. McStay, 512 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2289.

Filed: June 17, 1977, 9:53 a.m.

Doc No 772991



Comptroller of Public Accounts

Emergency Meeting

An emergency meeting of the Foundation School Budget Committee of the Comptroller of Public Accounts will be held on Wednesday, June 15, 1977, 3 p.m., in Room 618 of the Stephen F. Austin Building, Austin, to consider the proposed budget for the fiscal year 1978.

counts was held on Monday, June 20, 1977, 3 p.m., in Room 104 (conference room) of the Lyndon B. Johnson Building, Austin. Due to the necessity of a revised revenue estimate for the special session of the legislature, the committee met to make amendments to the minimum foundation school fund budget.

Additional information may be obtained from Walter E. Lilie, 601 Lyndon B. Johnson Building, Austin, Texas 78701, telephone (512) 475-6697.

Filed June 17 1977 9 53 a m

Doc No 772992

Texas Department of Corrections

Meeting

A meeting of the Texas Board of Corrections of the Texas Department of Corrections will be held on Monday, July 11, 1977, 8 a.m., at the Criminal Justice Center, Sam Houston State University campus, Avenue I, Huntsville.

The agenda includes consideration of the following matters: inmate affairs; personnel; business and budget; legislation; agriculture; construction; industries; legal; research, planning, and development; miscellaneous; and Windham School District. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371.

Filed June 16 1977 9 09 a m

Doc No 772977

Texas County and District Retirement System

Meeting

A meeting of the Board of Trustees of the Texas County and District Retirement System will be held on Wednesday, June 29, 1977, 9 a.m., in Parlor B of the Sheraton-Crest Inn, 111 East First Street, Austin.

The board will consider and pass on applications for service retirement benefits and applications for disability retirement benefits; consider and authorize increases in current service annuities in effect and in cer-

tain prior service annuities in effect; consider adoption of the 1976 Annual Report and adoption of a new mortality basis for service retirements; consider and fix contribution rates for participating subdivisions for 1978; review and act on financial statements, investment reports, and other reports of the director, legal counsel, and independent auditors; and consider any other business.

Additional information may be obtained from J. Robert Brown, 802 Perry-Brooks Building, Austin, Texas 78701, telephone (512) 476-6651.

Filed June 16 1977 1 02 p m

Doc No 772985

Good Neighbor Commission of Texas

Emergency Meeting

An emergency meeting of the Good Neighbor Commission of Texas was held on Tuesday, June 21, 1977, 1:30 p.m., in Room 507 of the Sam Houston Building, Austin, to conduct an executive session on personnel matters.

Additional information may be obtained from Eddie Aurispa, P.O. Box 12007, Austin, Texas 78711, telephone (512) 475-3581.

Filed June 17 1977 8 54 a m

Doc No 772990

Texas Health Facilities Commission

Addition to Agenda

An addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, June 23, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to include consideration of an application and request by the Texas Department of Mental Health and Mental Retardation for Brenham State School, Brenham, for an exemption certificate.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed June 15 1977 11 46 a m

Doc No 772954



Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, June 30, 1977, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to consider the applications and requests listed below.

Hardin Memorial Hospital, Kountze-- certificate of need

Brownfield General Hospital, Brownfield-- certificate of need

Celina Nursing Home, Celina-- certificate of need

Hays Memorial Hospital, San Marcos-- certificate of need

Cherry Street Manor Annex, Paris-- certificate of need
Matagorda County Hospital District, Bay City-- certificate of need and exemption certificate

High Plains Baptist Hospital, Amarillo-- exemption certificate

St. Joseph Hospital, Bryan-- exemption certificate

Galveston County Memorial Hospital, Texas City-- declaratory ruling

Ada Wilson Hospital, Corpus Christi-- declaratory ruling

Mason Nursing Home, Mason-- exemption certificate

Denton Hospital, Inc., Galena Park-- exemption certificate

Heart of Texas Region MH/MR Center, Waco-- exemption certificate

Fort Worth-Western Hills Nursing Home, Inc., Fort Worth-- exemption certificate

Central Texas Planned Parenthood Association, Waco-- exemption certificate

Temple Community Nursing Home, Temple-- exemption certificate

St. Joseph Hospital, Houston-- motion for rehearing
Texas Department of MH/MR, Austin-- two exemption certificates

Doctors Hospital, Groves-- exemption certificate

Deerings Nursing Home, Odessa-- exemption certificate

Ranger Park Hospital and Ranger Park Inn, Inc., Santa Anna-- exemption certificate

Brookhaven Medical Center, Dallas-- declaratory ruling
The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: June 15, 1977, 11 46 a.m.

Doc No 772955

State Board of Insurance Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Insurance held on Tuesday, June 21, 1977, 2 p.m., in Room 408, 1110 San Jacinto, Austin, to include consideration of a request for an Attorney General's Opinion on the applicability of the Open Records Act to statistical exhibits for public hearings.

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

Filed: June 15, 1977, 9 55 a.m.

Doc No 772946

Addition to Agenda

An addition was made to the agenda of a meeting of the State Board of Insurance held on Thursday, June 23, 1977, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to make a decision on the minimum standards rehearing and a decision on the sex discrimination rules.

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

Filed: June 15, 1977, 9 56 a.m.

Doc No 772947

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance was held on Thursday, June 23, 1977, 2 p.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of T.J.M. Insurance Company, McKinney, for a temporary certificate of authority.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed June 14, 1977, 1:59 p.m.

Doc. No. 772932

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, June 24, 1977, 9:45 a.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of Oakley-Metcalf Insurance Company, Lufkin, for a temporary certificate of authority.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed June 14, 1977, 2:00 p.m.

Doc No 772933

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, June 30, 1977, 10 a.m., in Room 350, 1110 San Jacinto, Austin, to consider the applications of American Family Life Insurance Company, Austin, and Emken-Linton Insurance Company, Texas City, for a hearing for approval of reinsurance agreements, pursuant to Article 22.15 of the Texas Insurance Code.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed June 14, 1977, 2:00 p.m.

Doc No 772934

Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, July 7, 1977, 10 a.m., in Room 343, 1110 San Jacinto, Austin, to consider the application of Union Standard Insurance Company, Dallas, for a hearing to amend Ar-

ticles of Incorporation increasing its capital stock, pursuant to Article 203 of the Texas Insurance Code.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed June 14, 1977, 2:00 p.m.

Doc. No 772935

Texas Department of Labor and Standards

Meeting

A meeting of the Boiler Division of the Texas Department of Labor and Standards will be held on Tuesday, June 28, 1977, 9 a.m., in Room 117 of the Sam Houston Building, Austin. The "Board of Boiler Rules" will meet to consider adoption of new rules and regulations for the Boiler Program, pursuant to the amendments made to Article 5221c, Vernon's Texas Civil Statutes, by the 65th session of the legislature.

Additional information may be obtained from H. G. Parker, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-4799.

Filed June 15, 1977, 9:56 a.m.

Doc No 772948

Texas Board of Licensure for Nursing Home Administrators

Meeting

A meeting of the Texas Board of Licensure for Nursing Home Administrators will be held on Friday, July 1, 1977, 2:30 p.m., at 7333 Highway 290 East, Austin, to hear reports by the chairman and the executive secretary and a report on the Preceptor Seminar; to consider educational programs; and to elect a chairman and a vice-chairman.

Additional information may be obtained from E. M. Lawrence, Jr., 7333 Highway 290 East, Austin, Texas 78766, telephone (512) 926-9530.

Filed June 14, 1977, 1:59 p.m.

Doc No 772930

Texas Department of Mental Health and Mental Retardation

Meetings

Three committee meetings and a meeting of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation will be held on Friday, June 24, 1977, in the conference room of the Administration Building (unless otherwise indicated) at the El Paso State Center for Human Development, 6700 Delta, El Paso. The agendas follow.

9:30 a.m., Business Committee-- consideration of the following: allocation of unexpended balances (construction) to Travis State School, San Angelo Center, Richmond State School, and Mexia State School; reversal of allocations from unexpended balances (operating) for Rio Grande State Center for MH/MR and Texas Research Institute of Mental Sciences; allocations from unexpended balances (operating) to Kerrville and San Antonio State Hospitals and Austin, Corpus Christi, Lufkin, and Travis State Schools; allocations from reserve fund to Austin, Big Spring, and Wichita Falls State Hospitals and Lufkin State School; transfer of funds between items of appropriations at Rusk, Terrell, and Wichita Falls State Hospitals, Abilene, Lubbock, and Richmond State Schools, San Angelo Center, and Beaumont and El Paso State Centers for Human Development; quarterly budget additions and revisions; utilities system energy audit study at various facilities and selection of engineer consultant; approval of construction projects and selection of architects and engineers (1976-77 biennium funds) at Big Spring State Hospital, Vernon Center South, Wichita Falls State Hospital, Travis State School, and San Angelo Center; approval of projects and selection of architects and engineers for Texas Department of MH/MR construction program (1978-79 biennium); and construction of an indoor therapeutic swimming pool at the Mexia State School by the Volunteer Services Council

11 a.m., Program Committee-- consideration of a resolution for education programs of schools for the mentally retarded and consideration of a centralized waiting list for mentally retarded persons

11:30 a.m., Committee to Examine Appointees Requiring Board Approval-- consideration of the appointment of a deputy commissioner for mental health services, an assistant commissioner, and a superintendent for Mexia State School

1:30 p.m., Activities Building, Texas Board of Mental Health and Mental Retardation-- consideration of

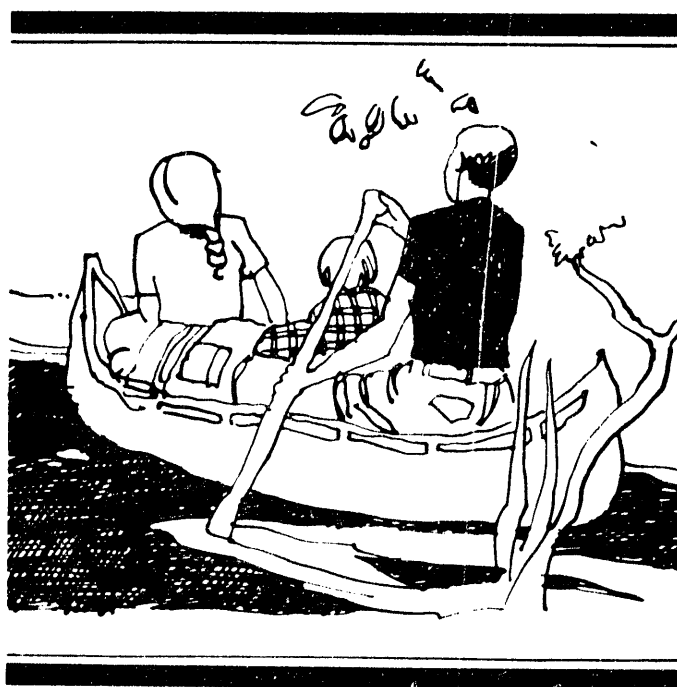
the commissioner's calendar and committee recommendations for board consideration

The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Kenneth D. Gaver, P.O. Box 12668, Austin, Texas 78711, telephone (512) 454-3761.

Filed June 15 1977 3 51 p.m.

Doc No 772971



Governor's Special Advisor on Natural Resources

Meeting

A meeting of the Governor's Water Task Force of the Governor's Special Advisor on Natural Resources will be held on Thursday, June 30, 1977, 9 a.m., in Room 118 of the Stephen F. Austin Building, Austin, to hear an address by Commissioner R. Keith Higginson, followed by a discussion.

Additional information may be obtained from Ben Turner, P.O. Box 13006, Austin, Texas 78711, telephone (512) 475-7876.

Filed June 14 1977 1 58 p.m.

Doc No 772926

Board of Pardons and Paroles

Meeting

A meeting of the Board of Pardons and Paroles will be held on Monday through Friday, June 27 through July 1, 1977, 9 a.m. daily, in Room 711 of the Stephen F. Austin Building, Austin, to review cases of inmates for parole consideration; to act on emergency reprieve requests and other acts of executive clemency; and to review reports regarding persons on parole.

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

Filed June 14 1977 1 59 p.m.
Doc No 772931

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 21, 1977, 2 p.m., in Room A-100 of the Headquarters Building, 4200 Smith School Road, Austin, to consider the Fort McKavett Phase IV Preservation Plan-Development Concept. The plan concerns the restoration, preservation, and stabilization of officer's and captain's quarters, grounds, and outbuildings at Fort McKavett State Historic Site, Menard County.

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

Filed June 15 1977 11 40 a.m.
Doc No 772953

Texas State Board of Pharmacy

Hearing/Meeting

Hearings and a meeting will be conducted by the Texas State Board of Pharmacy at 9 a.m. Monday, 8:30 a.m. Tuesday, and 9 a.m. Wednesday, June 27-29, 1977, in Suite 1121 of the Southwest Tower Building, 211 East 7th Street, Austin.

Violation hearings will be held by the board on Monday and Tuesday, with a business meeting also on Tuesday, beginning at 3 p.m., and continuing on Wednesday. In addition to committee reports and old and new business, the agenda includes: discussion of foreign-born applicants' status in licensing; the board's responsibilities in licensing nuclear pharmacies; the impact of recent court decisions in enforcing prescription advertising laws and the possibility of promulgating regulations pertaining to computerized prescription records; and examinations for pharmacists reciprocating from other states and relating to the definition of terms in the Pharmacy Law. The agenda also includes determination and validation of grades for the state pharmacy examinations and discussion of October examination sites.

Additional information may be obtained from Fred S. Brinkley, Jr., Suite 1121, Southwest Tower Building, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed June 16 1977 1 03 p.m.
Doc No 772986

Public Utility Commission of Texas

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Public Utility Commission of Texas held on Thursday, June 16, 1977, 8:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to include consideration of Docket 471-- application for sale of the Fox Run Water Company to the San Antonio City Water Board, and Docket 441-- complaint to determine certain areas of Wimberley Water Supply Corporation and Woodcreek Water Supply Corporation.

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

Filed June 13 1977 4 28 p.m.
Doc No 772923

Hearing

A hearing by the Public Utility Commission of Texas was held on Wednesday, June 22, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider

the application of Etex Telephone Cooperative, Inc., to upgrade the Bettie, Pine Acres, and Ore City Exchanges to one-party service.

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

Filed June 13 1977 4 29 p.m.
Doc No 772924

Meeting

A meeting of the Public Utility Commission of Texas will be held on Friday, June 24, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to sign final orders for Dockets 39, 66, 110, 144, 157, 177, 330, 344, 410, 434, 435, 447, 454, 455, 458, 459, and 460, and to make a ruling on a motion for rehearing in Docket 284. A detailed list of dockets is posted in the East Wing of the State Capitol.

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

Filed June 16 1977 11 50 a.m.
Doc No 772984

Hearing

A hearing by the Public Utility Commission of Texas will be held on Monday, July 18, 1977, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin.

The commission will consider Docket 379-- application for a certificate by Pro-Com Communications Company regarding Dallas, Tarrant, Ellis, and Denton Counties, and Docket 450-- application for a certificate by Mobile Telecommunications Corporation regarding Grayson, Collin, Rockwall, Ellis, Dallas, Tarrant, Denton, Wise, Johnson, Parker, Kaufman, Hillsboro, and Hood Counties. Applicants and intervenors will present all relevant facts and testimony.

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

Filed June 20 1977 9 24 a.m.
Doc No 773048

Hearing

A hearing by the Public Utility Commission of Texas will be held on Wednesday, July 20, 1977, 1:30 p.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, concerning an inquiry by the commission into the propriety of rates charged by Tawakoni Water Utility Corporation, *et al.*

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

Filed June 13 1977 4 29 p.m.
Doc No 772925

State Department of Public Welfare

Meeting

A meeting of the State Board of Public Welfare of the State Department of Public Welfare will be held on Monday, June 27, 1977, 9:30 a.m., in Room 406 of the John H. Reagan Building, Austin.

The agenda includes consideration of: reorganization of the board; budget overview and issues (Fiscal Year 1978); reduction in force procedures; a cooperative program with the Texas Department of Community Affairs; amendment of the Title XX State Plan to add special services for AFDC children; transfer to the state from the U.S. Department of Agriculture a Food Service Program and Child Care Food Program; designation of a Title IV-D child support enforcement agency; proposed discipline standards for child care facilities; long-term nursing care; computerized filing of physicians' claims; a decision on department aircraft; approval of final rules on maximum monthly allowable income standards and the basis of food stamp issuance; and technical amendments to program policies and procedures.

Additional information may be obtained from Bill Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6297.

Filed June 17 1977 10 33 a.m.
Doc No 773021

Railroad Commission of Texas

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Gas Utilities Division of the Railroad Commission of Texas held on Thursday, June 16, 1977, 10 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of Dockets 827 and 1093, Southern Union Gas Company, concerning a statement of intent to change rates in the unincorporated environs of Austin and consideration of the City of Austin's motion to intervene and consolidate Dockets 827 and 1093.

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

Filed June 15 1977 4 06 p.m.

Doc No 772973

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas held on Thursday, June 16, 1977, 10 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of the application of the Cities Service Gas Plant, concerning statewide Rule 36, East Texas Field, Gregg County.

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

Filed June 15 1977 4 02 p.m.

Doc No 772972

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas held on Thursday, June 16, 1977, 10 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of the application of the Superior Oil Company, concerning a motion for rehearing of Rule 37 Case 76,096, heard February 4, 1977 (application to drill their Well 10-2, Helen Pritchard "A" Lease, East Texas (Woodbine) Field, Gregg County).

Additional information may be obtained from Lloyd A. Muennink, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3255.

Filed June 15 1977 4 03 p.m.

Doc No 772974

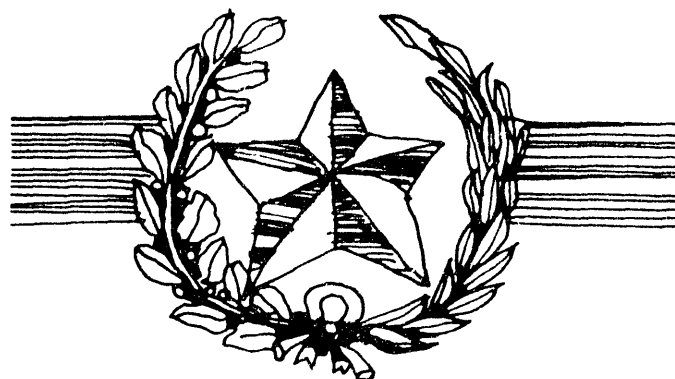
Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Gas Utilities Division of the Railroad Commission of Texas held on Monday, June 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider Docket 660 for final decision, concerning 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 17 1977 11 53 a.m.

Doc No 773032



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 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of Case 77,397, Cabot Corporation, concerning an application to drill Well 1, Dana Cove Unit, Galveston Island (Discorhis-5) Field, Galveston County, at a Rule 37 exception location (hearing held March 3, 1977), and Docket 4-67,253, application of Exxon Corporation for the adoption of special field rules for the various Borregos Fields, Kleberg County.

Additional information may be obtained from Lloyd Muennink or Fred Young, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3255 or 475-6155.

Filed June 15 1977 4 04 p.m.

Doc No 772975

Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Oil and Gas Division of the Railroad Commission of Texas held on Monday, June 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider the application of the Basin Operating Company, concerning the motion for rehearing of the Texas Oil and Gas Corporation's request to drill Number 1, Lamberson Lease, Grapeland (Woodbine and Rodessa) Fields, Houston County (permit granted May 31, 1977, Rule 37 Case 77,403).

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

Filed June 17 1977 11 53 a.m.

Doc No 773033

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 20, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The commission considered the following additional items: the application of Texas Railroads and others for general increase of four percent on rates and charges--adopt Tariff X 336 on Texas intrastate traffic (interim order concerning only uncontested items); the application of Southwestern Freight Bureau for a specific rate on cement clinker, in bulk, from Longhorn to Houston; entering into a grant agreement with the Federal Railroad Administration for the administration of a grant made to Texas pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C.A. 1654 (1976); and the application of Paul O. Bell, to sell SMC Certificate 17567 to Roy Leggett, doing business as Leggett Trucking.

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

Filed June 17 1977 11 54 a.m.

Doc No 773034

Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Monday, June 27, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The commission will consider the following matters: Docket 673-- appeal of Lone Star Gas Company from action by the City of Sherman (final order); Docket 1097-- statement of intent filed by Southern Union Gas Company to change its rates in the environs of El Paso County, which are served out of the company's office at El Paso; Docket 1098-- statement of intent filed by Andrews Gas Company, Inc., to change its rates in the environs of Andrews; and a proposed amendment to Rule 051.04.03.012 of the Special Rules of Practice and Procedure and Substantive Rules.

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

Filed June 17 1977 11 54 a.m.

Doc No 773035

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 27, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to include consideration of Case 78,001, Pearson Sibert Oil Company of Texas, concerning an application to drill at a Rule 37 exception location, Well 9, Sharon Ridge (Clear Fork) Field, Scurry County (hearing held May 27, 1977).

Additional information may be obtained from Roger Schultz, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-3255.

Filed June 15 1977 4 06 p.m.

Doc No 772976

Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Monday, June 27, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin.

The commission will consider two contested applications for clearance deviation and various uncontested applications regarding the following specific subjects: amending authority, motor brokers license, dividing authority, amending ICC authority registration, ICC

authority registration, leasing authority, lease cancellation, interstate exempt authority, rail rate, requested authority cancellation, reinstatement, selling authority, bus schedule change, truck rate, and voluntary suspension

In addition, the commission will consider selecting a consultant to assist in the development of a rail plan for the State of Texas, pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210 (90 Statute 31), and the U.S. Department of Transportation's regulations, as published in 49 C.F.R. Part 266, as adopted or amended; also, a show cause matter concerning Lavern Gibson, doing business as Lavern Gibson Service Company, of why Specialized Motor Carrier Certificate of Convenience and Necessity 5248, should not be cancelled or suspended

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

Filed June 17, 1977 11:54 a.m.

Doc No. 773036

Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Tuesday, July 5, 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 17, 1977 11:55 a.m.

Doc No. 773037

Hearing

A hearing by the Gas Utilities Division of the Railroad Commission of Texas will be held on Wednesday, July 27, 1977, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, on proposed Rule 051.04 03.018, Elimination of Boiler Fuel in the State of Texas. Interested persons or agencies should contact the Gas Utilities Division at the address below to obtain a copy of the notice of hearing which contains deadlines for pre-filing testimony and motions to intervene.

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

Filed June 17, 1977 11:55 a.m.

Doc No. 773038

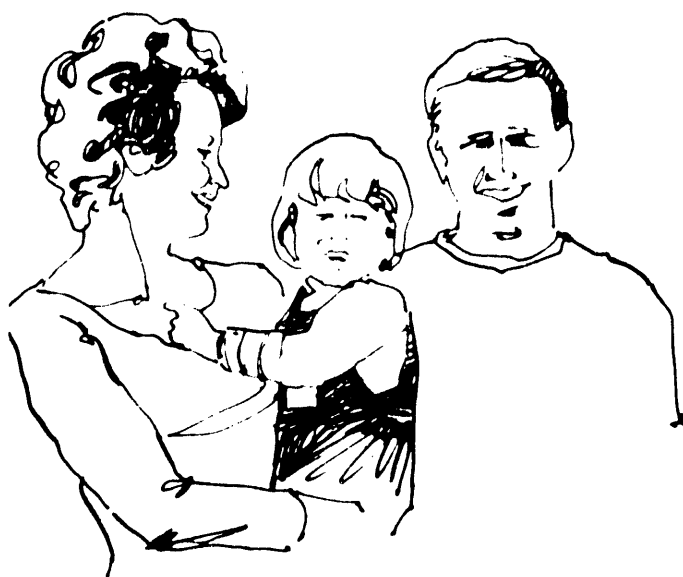
School Land Board Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the School Land Board held on Tuesday, June 21, 1977, 10 a.m., in Room 831, 1700 North Congress, Austin, to include consideration of a pooling agreement

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

Filed June 16, 1977 4:19 p.m.

Doc No. 772988



Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the School Land Board held on Tuesday, June 21, 1977, 10 a.m., in Room 831, 1700 North Congress, Austin, to include consideration of an additional pooling agreement.

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

Filed June 20, 1977 11:11 a.m.

Doc No. 773049

Teacher Retirement System of Texas

Meeting

A meeting of the Medical Board of the Teacher Retirement System of Texas will be held on Sunday, July 17, 1977, 10 a.m., at 1001 Trinity, Austin, to consider member applications for disability retirement, and to consider the necessity for annual re-examination of certain persons receiving disability benefits.

Additional information may be obtained from James Preston, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 340.

Filed June 16, 1977 4:39 p.m.

Doc No. 772989

Due to the importance of immediately initiating efforts to achieve the most efficient organizational structure for the new Department of Water Resources, which was created to be effective September 1, 1977 (Senate Bill 1139), and the problems associated with a transition period of ten weeks, the executive directors of the Texas Water Development Board, the Texas Water Quality Board, and the Texas Water Rights Commission met in emergency session to inform the board of their respective agency's ongoing programs and organization and of their recommendations for organizing the Department of Water Resources. The board then met in executive session to discuss personnel matters relating to the Department of Water Resources.

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

Filed June 17, 1977 1:25 p.m.

Doc No. 773043

Texas A&M University System

Meeting

A meeting of the Planning and Building Committee of the Board of Regents of the Texas A&M University System will be held on Thursday, June 30, 1977, 9 a.m., in the president's office at Prairie View A&M University, Prairie View, to inspect construction projects on the campus of Prairie View A&M University.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (512) 845-4334.

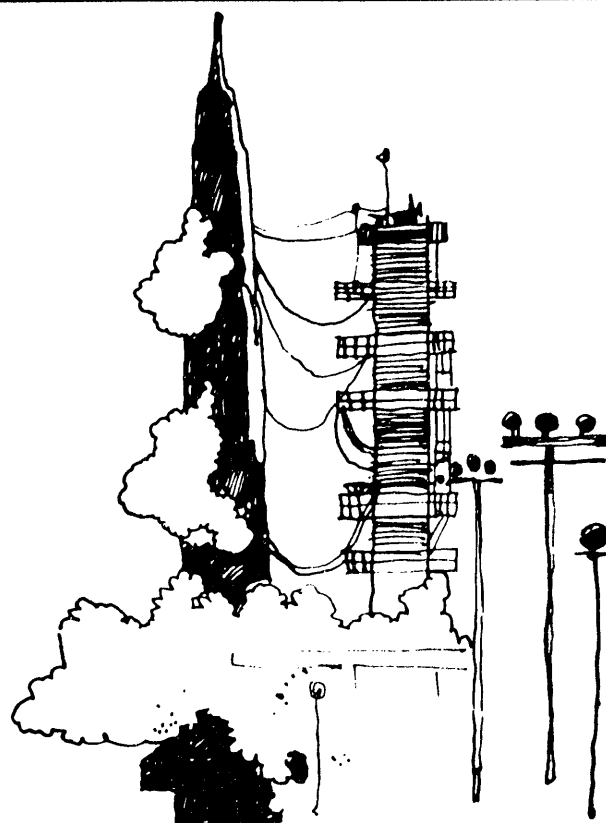
Filed June 15, 1977 10:59 a.m.

Doc No. 772951

Texas Water Development Board

Emergency Meeting

An emergency meeting of the Texas Water Development Board was held on Monday, June 20, 1977, 9 a.m., in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin.



Texas Water Quality Board Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, June 30, 1977, 10 a.m., in the conference room at the Brazos River Authority, 4400 Cobbs Drive, Waco.

The board will consider an application for a permit by John E. Denton, doing business as Denton Dairy, Ax-tell, and the following applications for amendments to their respective permits: Brazos County Municipal Utility District 1 (Westwood Estates I), Bryan (Permit 11650), and Stagecoach Properties, Inc., Salado (Permit 10884). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7851.

Filed June 17 1977 10 32 a.m.

Doc No 773014

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, July 6, 1977, 9 a.m., in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin.

The board will consider an application for a permit amendment by the City of Nocona (South Plant), Permit 10355. The complete hearing notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17 1977 10 32 a.m.

Doc No 773015

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, July 6, 1977, 1 p.m., in the conference room at the Houston-Galveston Area Council, 3701 West Alabama, Houston.

The board will consider applications for permits by Little Ben, Inc., Houston, and Southwestern Bell Telephone Company (Spring-South Building), Houston, and the following applications for amendments to their

respective permits: Gulf Coast Waste Disposal Authority (Trail of the Lake Municipal Utility District), Houston (Permit 11582), and Imperial Valley Municipal Utility District, Houston (Permit 10756). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17 1977 10 32 a.m.

Doc No 773016

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, July 7, 1977, 10 a.m., in the commissioner courtroom at the Brazoria County Courthouse, Angleton.

The board will consider an application for a permit amendment by A. P. Green Refractories, Freeport, Permit 01869. The complete hearing notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17 1977 10 32 a.m.

Doc No 773017

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday, July 7, 1977, 1 p.m., in the conference room at the Houston-Galveston Area Council, 3701 West Alabama, Houston.

The board will consider applications for permit amendments by Tomball Road Utility District, Houston (Permit 11089), and Reid Road Municipal Utility District, Houston (Permit 11563). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from David Hume, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17 1977 10 32 a.m.

Doc No 773018

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, July 8, 1977, 10 a.m., in the meeting room at the Lower Neches Valley Authority, 7850 Eastex Freeway, Beaumont.

The board will consider applications for permit amendments by Pennwalt Corporation, Beaumont (Permit 01872), and Bevil Oaks Municipal Utility District, Beaumont (Permit 11551). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from David Hum, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17, 1977 10:32 a.m.

Doc No. 773013

Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Wednesday, July 20, 1977, 10 a.m., in the auditorium at the City of Houston Health Department, 1115 North MacGregor, Houston.

The board will consider an application for a Class I industrial solid waste management site permit by Browning Ferris Industries Chemical Services, Inc., Houston, and an application for a permit by Evangelistic Temple (Camp McClellan), Houston. In addition, the board will consider applications by the following for amendments to their respective permits: Houston First Savings Association (Chelford City Utility District-Brays Bayou Plant), Houston (Permit 11499); Montgomery County Municipal Utility District 8, Houston (Permit 11371); and Eddie V. Gray (Woodland Acres Subdivision), Baytown (Permit 11720). The complete hearing notices are posted in the East Wing of the State Capitol.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Austin, Texas 78711, telephone (512) 475-7856.

Filed June 17, 1977 10:33 a.m.

Doc No. 773020

Texas Water Rights Commission

Meeting Rescheduled

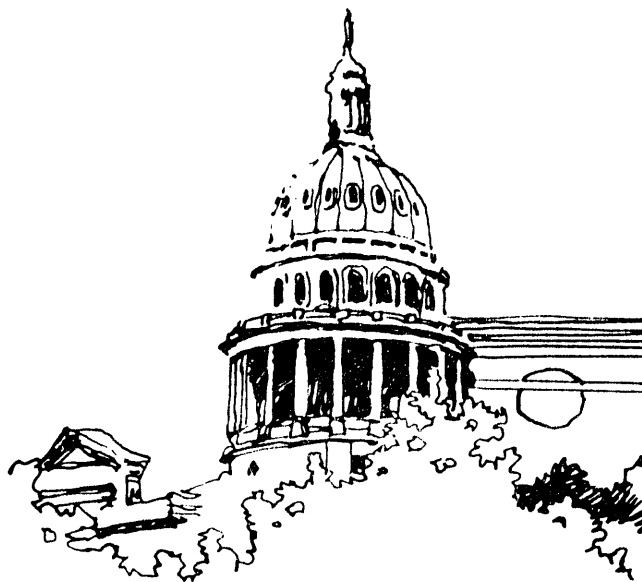
A meeting of the Texas Water Rights Commission was held on Monday, June 20, 1977, 3:30 p.m., at the

Stephen F. Austin Building, 1700 North Congress, Austin. At the request of the attorney general, consideration of application CA-327 of the Houston Lighting and Power Company was postponed from 2 p.m. until 3:30 p.m. On April 14, 1977, this matter was recessed by the commission for further consideration on June 20th.

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

Filed June 17, 1977 4:31 p.m.

Doc No. 773044



Hearing

A hearing by the Texas Water Rights Commission was held on Thursday, June 23, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider applications for rehearing to the final determination concerning the Upper Guadalupe River Segment, Guadalupe River Basin.

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

Filed June 14, 1977 1:58 p.m.

Doc No. 772927

Meeting/Hearing

The Texas Water Rights Commission will conduct a meeting and hearing on Monday, June 27, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The agenda for the commission meeting includes consideration of the following: an application by Harris County Municipal Utility District 24 for escrow release (\$1,560,000 bond issue, approved May 2, 1977); an application by Coastal Industrial Water Authority of Harris County for escrow release (\$50,000,000 bond issue, approved December 10, 1974); an application by Harris County Water Control and Improvement District 50 for escrow release (\$970,000 bond issue, approved January 7, 1977); an application by Bissonnet Municipal Utility District of Harris County for approval of a change order (\$1,875,000 bond issue, approved July 23, 1976); an application by Harris County Utility District 142 for approval of a change in plans (\$5,500,000 bond issue, approved October 21, 1976); an application by Jefferson County Water Control and Improvement District 10 for approval of \$400,000 water and sewer systems combination tax and revenue bonds (6 percent, seventh issue); an application by Little York Municipal Utility District of Harris County for approval of tax rate reduction (\$275,000 bond issue, approved June 21, 1976); an application by Darrs Creek Watershed Authority of Bell County for approval of \$30,000 unlimited tax bonds (6 percent, first issue); an application for appointment of directors for Longhorn Town Utility District; a petition for creation of Plantation Municipal Utility District of Fort Bend County; applications for Water Code Section 5.121 permits by: R. E. Tynes, Texas Department of Corrections, Harold N. Lane, D. R. Alford, J. R. Marmon, Jr., and Robert H. Benbow; and a temporary permit docket.

The commission will conduct a hearing on the following matters: applications for contractual permits by Cooper and Woodruff, Inc.; an application by Walter Jack Gore and Jimmy E. Gore to amend Permit 1442, as amended; an application by the City of Nacogdoches to amend Permit 2560 (A-2783), pursuant to Rule 129.06.05; an application by Fairway Estates, Inc. for an extension of time to complete construction under Permit 3118; an amendment on the commission's motion of Contractual Permit CP-380 of the Upper Leon River Municipal Water District, pursuant to Rule 129.06.01.001(e); Application 3705 by R. W. McClure for a Water Code Section 5.141 permit; Application 3743 by Leonard Farms, a partnership, for a Water Code Section 5.121 permit; Application 3635 by E. Vern Lane for a Water Code Section 5.141 permit; the motion for rehearing of the City of Dallas, protestant in the matter of Application 3641 of Denton Country Club; the

motion for rehearing of the City of Dallas, protestant in the matter of Application 3621 of the United States Department of Housing and Urban Development; and the motion for rehearing of the City of Dallas, protestant in the matter of Application 3643 of Lake Sharon Methodist Assembly. The complete agenda 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 17 1977 11 33 a.m.

Doc No 773029

Hearing

A hearing by the Texas Water Rights Commission will be held on Tuesday, June 28, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider a petition for the conversion of Harris County Water Control and Improvement District 109 into a municipal utility district. The complete hearing notice and petition are posted in the East Wing of the State Capitol.

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

Filed June 14 1977 1 59 p.m.

Doc No 772928

Hearing

The Texas Water Rights Commission will conduct a hearing on Tuesday, July 12, 1977, 9:30 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission will consider the following applications for temporary permits: Allen Construction Company (TA-2830); Delaney Drilling Company, Inc. (TA-2831); McKnight Construction Company (TA-2832 and TA-2839); Mo-Vac Services Company, Inc. (TA-2833); Dircon Corporation (TA-2834); Texas Parks and Wildlife Department (TA-2835); H. B. Zachry Company (TA-2836); Allen Keller Company (TA-2837); R. W. McKinney and T. L. James and Company, Inc. (TA-2840); Adams Brothers, Inc. (TA-2841); Buckner Construction Company (TA-2842 and TA-2843); and Linois Oil Company (TA-2844). The complete hearing notices are posted in the East Wing of the State Capitol.

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

Filed June 17 1977 11 33 a.m.

Doc. No. 773030

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

Filed June 17 1977 11 34 a.m.

Doc. No. 773031

Hearing

A hearing by the Texas Water Rights Commission will be held on Thursday, July 28, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 3773 of the City of Dumas for a permit to maintain an existing 696 acre-foot on channel dam and reservoir on an unnamed tributary of Big Blue Creek, tributary of the Canadian River in the Canadian River Basin, for flood control, livestock, domestic, and recreation purposes, two miles south-southeast of Dumas, Moore County. The complete 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 16 1977 10 11 a.m.

Doc. No. 772979

Hearing

The Texas Water Rights Commission will conduct a hearing on Thursday, July 28, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission anticipates dissolving the following districts for reasons of inactivity and failure to perform any of the functions for which they were created during five consecutive years and having no outstanding bonded indebtedness: Indian Hill Number 2 Municipal Utility District, Polk County; Indian Springs Utility District, Brazoria County; Prairie View Municipal Utility District, Waller County; Tiger Lake Utility District, Orange County; Woodforest North Utility District, Harris County; and Enchanted Valley Public Utility District, Harris County. The complete dissolution hearing notices are posted in the East Wing of the State Capitol.

Hearing

A show cause hearing by the Texas Water Rights Commission will be held on Friday, July 29, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin.

The commission has issued an order requiring the City of Coolidge to appear and show cause why the dam and spillway creating SCS Site 10, Pin Oak Creek Watershed Project, should not be lowered to impound 355 acre feet of water nor upgraded to impound safely 555 acre feet, and why the dam creating City Lakes 1 and 2 should not be removed. The complete 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 15 1977 3 50 p.m.

Doc. No. 772970

Hearing

A hearing by the Texas Water Rights Commission will be held on Friday, July 29, 1977, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Application 3774 of George W. Faulkner, Houston, for a permit to maintain an existing dam and on-channel reservoir on Granite Creek, tributary of the San Jacinto River, in the San Jacinto River Basin, to impound therein not to exceed 169 acre-feet of water and to use the impounded waters for recreational purposes on the applicant's property in the Victor Blanco Survey, Abstract 2, 16 miles northeast of the Harris County Courthouse, Houston. The complete 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 16 1977 10 11 a.m.

Doc. No. 772980

West Texas State University

Meeting

A meeting of the Presidential Search Committee of West Texas State University will be held on Saturday, June 25, 1977, 10 a.m., in the Executive Conference Room of the Administration Building on the WTSU campus, Canyon, to determine the qualifications for and the duties of president of West Texas State University, and to conduct an executive session, as authorized by Section 2g, Article 6252-17.

Additional information may be obtained from Mrs. Leon Gheer, Box 997, W.T. Station, Canyon, Texas 79016, telephone (806) 656-3962.

Filed June 20 1977 12 51 p.m.

Doc No 773051

Quasi-State Agencies

Meetings Filed June 14, 1977

The Ark-Tex Council of Governments, Government Applications Review Committee, met at City Hall, Mount Pleasant, on June 22, 1977, at 1 p.m. The Alcohol/Drug Committee will meet at Lamar County Outreach, 625 North Washington, Paris, on June 30, 1977, at 2 p.m. Further information may be obtained from Scott Medley, P.O. Box 5307, Texarkana, Texas 75501, telephone (501) 774-3481.

The Coastal Bend Council of Governments will meet in the central jury room of the Nueces County Courthouse, Corpus Christi, on June 24, 1977, at 2 p.m. The council will meet in the council chambers of Corpus Christi City Hall, Corpus Christi, on July 14, 1977, at 7 p.m. Further information may be obtained from John P. Buckner, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

The Deep East Texas Council of Governments, Executive Committee, met at the Fredonia Inn, Nacogdoches, on June 23, 1977, at 3 p.m. Further information may be obtained from Billy D. Langford, P.O. Box 1170, Jasper, Texas 75951.

The Education Service Center Region X, Board of Directors, met in the board room at 400 East Spring Valley, Richardson, on June 22, 1977, at 1 p.m. Further information may be obtained from H. W. Goodgion, P.O. Box 1300, Richardson, Texas 75080.

The Education Service Center Region XIII, Board of Directors, met in Conference Room 101 at 7703 North Lamar, Austin, on June 20, 1977, from 6 to 7 p.m. Further information may be obtained from Joe Parks, 7703 North Lamar, Austin, Texas 78752, telephone (512) 458-9131.

The Lower Rio Grande Valley Development Council, 208 Police Advisory Committee, met at the Valley Chamber of Commerce, Expressway 83 and F.M. 1015, Weslaco, on June 21, 1977, at 9:30 a.m. The Board of Directors met at 311 East Tyler, Harlingen, on June 23, 1977, at 2 p.m. Further information may be obtained from Robert A. Chandler, Suite 207, First National Bank Building, McAllen, Texas 78501, telephone (512) 682-3481.

The San Antonio River Authority, Board of Directors, met in the conference room of the general offices, 100 East Guenther, San Antonio, on June 22, 1977, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, telephone (512) 227-1373.

The San Jacinto River Authority, Board of Directors, met in the conference room of the Lake Conroe Damsite Office Building, Highway 105 West, Conroe, on June 23, 1977, at 2 p.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Belton, Texas 77301, telephone (713) 588-1111.

The South Texas Health Systems Agency, Board of Directors, met at the Holiday Inn, Highway 77, Kingsville, on June 18, 1977, at 1 p.m. Further information may be obtained from Richard Kull, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Trinity River Authority of Texas, Administration Committee, met in the conference room of the authority's general office, Arlington, on June 21, 1977, at 2 p.m. The Basin Planning Committee will meet at the same location on June 27, 1977, at 10 a.m. Further information may be obtained from Wm. J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc No 772936

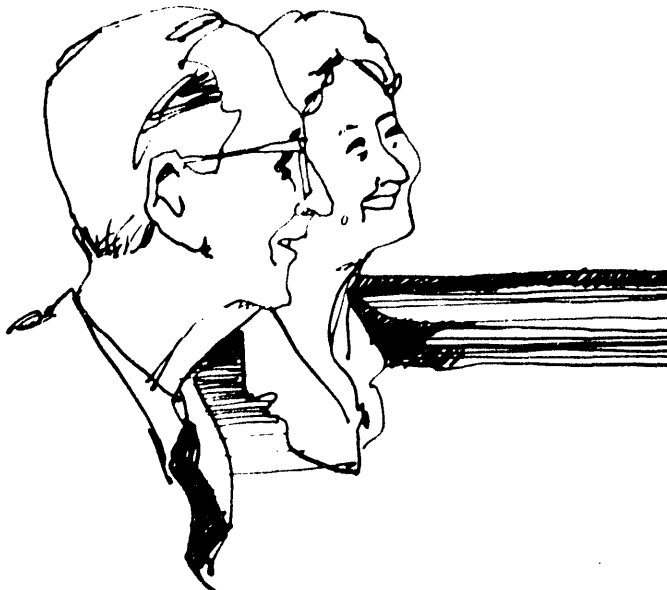
Meetings Filed June 15, 1977

The Middle Rio Grande Development Council, Regional Manpower Advisory Committee, met at the Civic Center, 300 Main, Uvalde, on June 20, 1977, at 2:30 p.m. Further information may be obtained from Rogelio Dominguez, Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Texas Municipal Power Agency, Board of Directors, met at the Dallas/Fort Worth Airport Marina Hotel, Dallas, on June 20, 1977, at 8:30 a.m. (executive session) and at 9:30 a.m. Further information may be obtained from Paul R. Cunningham, 7111 Bosque Boulevard, Waco, Texas 76701, telephone (817) 776-4100.

The West Central Texas Council of Governments, Executive Committee, met at the Jamaica Inn, 3161 South 23rd Street, Abilene, on June 22, 1977, at noon. Further information may be obtained from Bob Allen III, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc No 772952



Meetings Filed June 16, 1977

The Amarillo MH/MR Regional Center, Executive Committee of the Board of Trustees, met at the Psychiatric Pavilion, 7201 Evans, Amarillo, on June 23, 1977, at noon. Further information may be obtained from Clark E. Wooldridge, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

The Central Texas Health Systems Agency, Inc., will conduct a work session at the Howard Johnson Motel convention center, 7800 North Interstate 35, Austin, on June 24, 1977, at 7 p.m. The Board of Directors will meet at the same location on June 25, 1977, at 2 p.m. Further information may be obtained from Irwin R. Salmanson, Suite 140 East, 1106 Clayton Lane, Austin, Texas 78723, telephone (512) 458-9161.

The CETA Consortium Region XI met at 216 North 5th Street, Waco, on June 23, 1977, at 10 a.m. Further information may be obtained from Tony Byars, 216 North 5th Street, Waco, Texas 76701, telephone (817) 756-7171, extension 255.

The Edwards Underground Water District, Board of Directors, will meet at the River Restaurant, 404 East San Antonio, New Braunfels, on July 12, 1977, at 10 a.m. Further information may be obtained from McD. D. Weinert, 2603 Tower Life Building, San Antonio, Texas 78205, telephone (512) 222-2204.

The Lower Colorado River Authority met at 3700 Lake Austin Boulevard, Austin, on June 23, 1977, at 9 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

The Middle Rio Grande Development Council, Board of Directors, met at the Civic Center, 300 Main, Uvalde, on June 20, 1977, at 4:30 p.m. The Personnel Committee met at the same location on June 20, 1977, at 6 p.m. Further information may be obtained from Richard P. Thomas, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Texas Soybean Producers Board will meet in the meeting room at the Hilton Inn, Austin, on June 24, 1977, at 1 p.m. Further information may be obtained from W. B. Tilson, 812B West 8th Street, Plainview, Texas 79072, telephone (806) 296-2072.

Doc No 772981

Meetings Filed June 17, 1977

The Copano Bay Soil Conservation District 329 will meet in the Refugio City Hall council room, Refugio, on June 27, 1977, at 8 p.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526 2334.

The Golden Crescent Subarea Advisory Council, Plan Development Committee, will meet in the council chambers of the Gonzales Municipal Building, 820 Saint Joseph, Gonzales, on June 29, 1977, at 7:30 p.m. Further information may be obtained from Emily M. Petersen, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595 5545.

The Heart of Texas Council of Governments, Executive Committee, met at 110 South 12th Street, Waco, on June 23, 1977, at noon. Further information may be obtained from Linda Holt, 110 South 12th Street, Waco, Texas 76701, telephone (817) 756 6631.

The Middle Rio Grande Development Council, Regional Advisory Committee on Aging, will meet in the city council chambers, City Hall, Pena Street, Carrizo Springs, on June 28, 1977, at 2 p.m. Further information may be obtained from Annelies Rios, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Planning Council, met at the Badger Den on the second floor of the College Union, Amarillo College, 22nd and Washington, Amarillo, on June 22, 1977, at 10 a.m. The Texas Panhandle Employment and Training Alliance met at the same location on June 22, 1977, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The South Texas Development Council, Government Application Review Committee, met in the conference room of Building S-1, 600 South Sandman, Laredo, on June 23, 1977, at 10 a.m. Further information may be obtained from Deborah Shoup, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

The Tri-Region Health Systems Agency, Plan Development Committee, met in Room 141 of the Sid Richardson Science Center, Abilene, on June 22, 1977, at 9:30 a.m. Further information may be obtained from Michal Hubbard, Suite B, 2642 Post Oak Road, Abilene, Texas 79605.

Meetings Filed June 20, 1977

The Camino Real Health Systems Agency, Inc., Board of Directors, met in Suite 310A of the Executive K Center, 1017 North Main Avenue, San Antonio, on June 22, 1977, at 7 p.m. in emergency session. Further information may be obtained from Jose A. Contreras, Suite 310, Executive K Center, 1017 North Main Avenue, San Antonio, Texas 78212, telephone (512) 225 4426.

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 24, 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 MHMR Regional Center of East Texas, Business Committee and Board of Trustees, will meet on the 10th floor of the Bryant Building, 305 South Broadway, Tyler, on June 30, 1977, at 3 p.m. and 4 p.m., respectively. Further information may be obtained from Gary K. Smith, 10th floor, Bryant Building, 305 South Broadway, Tyler, Texas 75702.

The Northeast Texas Municipal Water District will meet at 1003 Landa Drive, Daingerfield, on June 27, 1977, at 8 p.m. Further information may be obtained from Homer N. Tanner, Jr., P.O. Box 680, Daingerfield, Texas 75638.



The Panhandle Regional Planning Commission, Board of Directors, met in the Chamber of Commerce conference room at the Amarillo Building, 301 Polk Street, Amarillo, on June 23, 1977, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

The South Texas Health Systems Agency conducted a public hearing in Room 221B of the Student Union, Texas A&I University, Kingsville, on June 23, 1977, at 7:30 p.m. Further information may be obtained from Richard W. Kull, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The Permian Basin Regional Planning Commission, Regional Development Review Committee, met in the conference room of the Air Terminal Office Building, Midland, on June 23, 1977, at 2 p.m. Further information may be obtained from Susan Turner, P.O. Box 6391, Midland, Texas 79701, telephone (915) 563-1061.

The Trinity River Authority of Texas, Board of Directors, will meet at the Arlington Public Library, 101 East Abram, Arlington, on June 28, 1977, at 10:30 a.m. Further information may be obtained from Wm. J. Philbin, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

The Upper Leon River Municipal Water District, Board of Directors, met at Proctor Lake, Comanche, on June 23, 1977, at 7:30 p.m. Further information may be obtained from Lowell G. Pittman, P.O. Box 67, Comanche, Texas 76442, telephone (817) 879-2258.

Doc No 773050

Adjutant General's Department

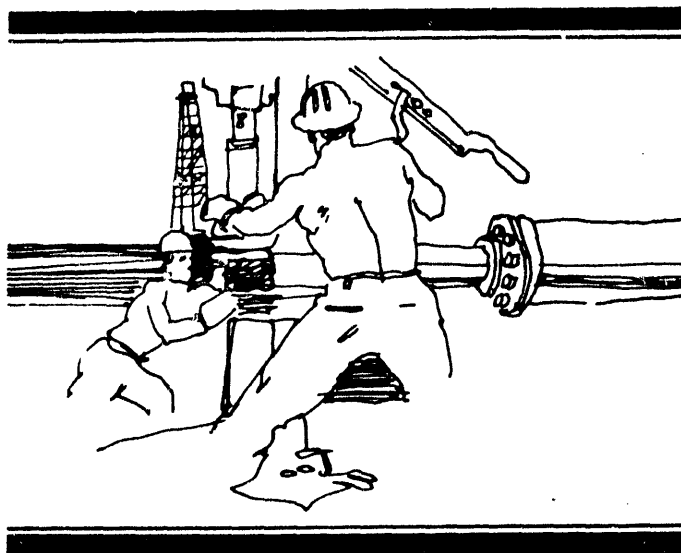
Appointment of Clerk of the Texas Court of Military Appeals

Pursuant to the authority vested in me by Rule 7A of the Rules of Practice and Procedure of the Texas Court of Military Appeals, I hereby designate the following individual as clerk of the Texas Court of Military Appeals, confirming verbal appointment made April 15, 1977: Major Albert C. Lloyd, Jr., Headquarters, Texas Air National Guard.

The official mailing address of the clerk is Texas Court of Military Appeals, (Attention: AGTEX-APM), P.O. Box 5218, Austin, Texas 78763.

Filed May 19, 1977, 3:24 p.m.

Doc No 772493



Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision H-8167

Summary of Decision: The making of photostatic copies for a consideration is the sale of tangible personal property rather than a service and is, therefore, subject to the sales and use tax.

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriett Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Filed: June 15, 1977, 3:21 p.m.

Doc. No 772956

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 June 7-13, 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.

Stevens Convalescent Center, Inc., Hallettsville
AN77-0601-001

EC-- Construct a 9000 square foot addition for kitchen storage, additional laundry area, location of an emergency generator and an ambulance receiving area

Bexar County Board of Trustees for Mental Health Retardation Services, San Antonio

AA77-0610-008

DR-- Request rehabilitation service for eight patients while in hospital

Mexia State School, Mexia

AA77-0613-014

EC-- To construct an enclosed swimming pool on campus

Nueces County MH/MR Center, Corpus Christi

AA77-0613-001

DR-- Establish residential training in a group home for eight retarded adults

W. I. Cook Children's Hospital, Fort Worth

AH77-0613-004

EC-- Acquire by lease a PBX telephone system to replace present system

Beckley Hills Manor Nursing Home, Dallas

AN75-0826-023E (061377)

EC-- Request six-month extension on substantial progress and completion deadline on 6.02 EC to construct a 120-bed nursing home

Issued in Austin, Texas, on June 16, 1977.

Doc No 773025 William D. Darling
General Counsel
Texas Health Facilities
Commission

Filed: June 17, 1977, 11:30 a.m.

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

State Department of Public Welfare

Regional Public Hearings

Proposed Title XX Comprehensive Annual Services Program Plan

The proposed Title XX Comprehensive Annual Services Program Plan (CASPP) for the 1978 program year was published in the May 31, 1977, issue of the *Texas Register*. Public hearings are being held on this proposed rule throughout the state until July 13, 1977. Hearings have already been held in Amarillo, Lubbock, Abilene, Wichita Falls, San Angelo, Arlington, Texarkana, Corpus Christi, and Beaumont. Additional hearings are scheduled at the following locations:

July 1, 9 a.m.-- Waco Training Center, 3302 Franklin Street, Waco

July 7, 9:30 a.m.-- First Presbyterian Church, 2nd floor, 4th and Alamo, San Antonio

July 6, 9 a.m.-- University of Houston, University Center, San Antonio and El Paso Rooms, Houston

July 13, 9 a.m.-- John H. Reagan Building, 15th and Congress, Austin

Issued in Austin, Texas, on June 17, 1977.

Doc. No 773023 Raymond W. Vowell
Commissioner
State Department of Public
Welfare

Filed: June 17, 1977, 10:57 a.m.

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