

TEXAS REGISTER

In This Issue...

Attorney general's opinion concerning the business activities of members of the Board of Barber Examiners 2689

Emergency adoptions by the Texas Water Development Board concerning the Federal Construction Grant Program; effective July 21 2690

Proposed rule governing the review of incoming publications by the Department of Corrections; proposed date of adoption—September 4 2706

Proposed rules by the State Board of Physical Therapy Examiners; proposed date of adoption—September 4 2707

Proposed code of ethics by the Tax Assessor Examiners Board; proposed date of adoption—September 4 2710

Legislative report 2716



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NOTES ON THE ISSUE

The Railroad Commission of Texas adopts Transportation Division rules providing for uniform standards governing Texas operations of interstate motor carriers exempt from Interstate Commerce Commission regulations. Slightly different versions of these rules were adopted on an emergency basis in April in response to a need for quicker registration of motor carriers hauling agricultural products from the Rio Grande Valley to points outside the state during harvest season.

The Texas Water Development Board adopts emergency rules concerning the Federal Construction Grant Program. Pursuant to federal requirements, provision is included to allow that at least one quarter of the funds allocated to the state be obligated for projects involving major sewer system rehabilitation, new collector sewers and appurtenances, new interceptors and appurtenances, and correction of combined sewer overflows.

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

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Opinions

- 2689 *H-1215 (limitation on business activities of barber inspectors and members of Board of Barber Examiners)*
- 2689 *H-1216 (prohibiting lender from refusing to accept property insurance policies from company)*

Emergency Rules

Texas Water Development Board

- 2690 *Grants Administration*

Proposed Rules

State Board of Barber Examiners

- 2706 *General Rules of Practice and Procedure*

Texas Department of Corrections

- 2706 *Rules and Regulations and Grievance Procedures Governing Inmate Conduct*

Texas Historical Commission

- 2706 *National Register Procedures*

Texas State Board of Physical Therapy Examiners

- 2707 *The Board*
- 2707 *Physical Therapy License*
- 2708 *Temporary License*
- 2708 *Display of License*

Office of the Secretary of State

- 2708 *Elections Division*

Tax Assessor Examiners Board

- 2709 *Classification of Registrants*
- 2709 *Requirements for Registered Professional Assessor*
- 2710 *Assessor's Code of Ethics*

Adopted Rules

Texas Education Agency

- 2711 *Instructional Resources*

Railroad Commission of Texas

- 2712 *Transportation Division*

Office of the Secretary of State

- 2714 *Elections Division*

Open Meetings

- 2723 *Texas Air Control Board*
- 2723 *Texas Court Reporters Committee*
- 2723 *Office of the Governor*
- 2723 *Texas Department of Health*
- 2724 *Texas Department of Human Resources*
- 2724 *State Board of Insurance*
- 2724 *Midwestern State University*
- 2724 *State Board of Morticians*
- 2725 *Public Utility Commission of Texas*
- 2725 *Railroad Commission of Texas*
- 2726 *Sunset Advisory Commission*
- 2726 *Teacher Retirement System of Texas*
- 2726 *University of Texas at Austin*
- 2726 *University of Texas System*
- 2726 *Texas Southern University*
- 2726 *Texas Water Commission*
- 2727 *Regional Agencies*

The Legislature

Legislative Report

- 2716 *Tax Reform*
- 2716 *Property Tax*
- 2716 *State Income Tax*
- 2716 *State Employees' Social Security*
- 2716 *Texas Youth Council Facilities and Funds Transfer*
- 2716 *Miscellaneous*
- 2716 *Gubernatorial Appointment*

House of Representatives

- 2717 *Bills Introduced*
- 2717 *Bill Status*
- 2720 *Weekly Committee Schedule*

Senate

- 2720 *Bills Introduced*
- 2720 *Bill Status*
- 2721 *Meetings*

Legislative Budget Board

- 2722 *Executive and Legislative Budget Offices*

In Addition

Texas Air Control Board

2728 *Applications for Construction Permits*

Comptroller of Public Accounts

2729 *Administrative Decisions*

Office of the Governor

2729 *Consultant Proposal Request*

Texas Health Facilities Commission

2730 *Notice of Applications*

2731 *Notice of Petition for Certificate of Need Reissuance*

Texas Water Development Board

2731 *Public Hearing Notice*

Opinions

Summary of Opinion H-1215

Request from Charles F. Blackburn, executive director, State Board of Barber Examiners, Austin, concerning limitation on business activities of barber inspectors and on members of the Board of Barber Examiners.

Summary of Opinion: Article 8407a, Section 27a, Vernon's Texas Civil Statutes, does not prohibit barber inspectors or other employees of the State Board of Barber Examiners from owning a barber shop or barber school, nor does it restrict board members in their business activities.

Doc. No. 785002

Summary of Opinion H-1216

Request from A. R. Schwartz, chairman, Senate Jurisprudence Committee, Austin, concerning whether Article 21.48A, Insurance Code, prohibits a lender from refusing to accept property insurance policies from a company.

Summary of Opinion: Article 21.48A of the Insurance Code prohibits a lender from refusing to accept property insurance policies from a particular company except where such refusal is reasonable and nondiscriminatory as relates to the company's financial soundness or its facility to service the policy.

Issued in Austin, Texas, on July 27, 1978.

Doc. No. 785028 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

Filed:

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

EMERGENCY RULES

2690

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

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

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

Texas Water Development Board

Grants Administration

Federal Construction Grant Program

156.15.05.001-.004

Pursuant to the authority of Sections 5.131 and 5.132, Texas Water Code, the Texas Water Development Board has previously adopted and published rules for the administration of the Federal Construction Grant Program. The Texas Water Development Board has resolved that because of recent amendments to the Federal Water Pollution Control Act and the need to have effective rules for administration of the Federal Construction Grant Program to prepare the fiscal year 1979 Project Priority List, adoption of rules for the Construction Grant Program on fewer than 30 days' notice is necessary.

The Texas Water Development Board repeals the following Rules 156.15.05.001-.004 and adopts in lieu emergency Rules 156.15.05.010-.100 relating to the Federal Construction Grant Program, to be effective immediately for a period of not longer than 120 days.

These rules are repealed under the authority of Sections 5.131 and 5.132, Texas Water Code.

.001. General. The construction grants program under the Federal Water Pollution Control Act (33 U.S.C.A. 1251 *et seq.*) is a program through which financial aid for constructing public sewage treatment works is provided. The program is administered by the United States Environmental Protection Agency. The Texas Department of Water Resources is the state agency which administers the program in the state. Because the governing procedures are subject to revision at both the federal and state levels, this section of the rules outlines only the basic features of the program as they exist on the date of the adoption of these rules.

.002. Eligible Agencies. Any state, municipality, intermunicipal, or interstate agency is eligible to apply for a construction grant under this program. The term "municipality"

is defined in the Federal Water Pollution Control Act as a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other waste, or an authorized Indian tribal organization, or as a designated and approved management agency pursuant to 33 U.S.C.A. 1288.

.003. Procedure.

(a) **Application forms.** The Environmental Protection Agency and the department publish the forms to be used in applying for priority and subsequent grants to help finance the construction of public sewage treatment works under the Federal Water Pollution Control Act. These forms, together with instructions for their preparation, may be obtained from the executive director.

(b) **Preparation and submission of application.** Upon notification by the executive director, the applicant shall prepare the application and furnish the data and information specified in the forms and instructions. The completed application shall be submitted to the executive director. The applicant shall furnish such additional information as may reasonably be required by the executive director in support of clarification of the application. The executive director is available to confer with the representatives of the applicant concerning the preparation of the application and the governing policies and procedures.

(c) **Review for eligibility, and priority score.**

(1) When the application is in proper form, it is reviewed by the executive director to determine whether the project covered in the application is eligible under the program. If the project is determined to be eligible, the executive director then determines from the Priority Rating System approved pursuant to Federal Construction Grant Program Regulations the priority rating score for the project, using the general criteria set forth below:

(2) **Priority rating criteria.** The general factors considered by the board and the staff in evaluating the project to establish its priority rating score are:

- (A) existing treatment facilities;
- (B) water quality impact;
- (C) future treatment requirements;
- (D) environmental nuisances.

Each factor is worth a given number of points, and the executive director assigns a score on each factor. The sum of the scores on all factors is the priority rating score for the project.

(3) For purposes of this subchapter, the board adopts as a rule the "Construction Grant Priority Rating Process" prepared by the Texas Water Quality Board as revised May 28, 1975, and all rules contained therein.

(d) **Assignment of funds.** All eligible applications received in proper form are divided into two groups pursuant to the approved priority rating system. The first group consists of the projects whose sponsors are within the available funding group. The second group consists of the projects whose sponsors are not within the available funding group. Within the first group, each project's position is determined on the basis of its priority rating score, with the project having the highest score being assigned priority position number one, the second highest score position number two, and so on. The executive director or agency personnel working under his or her direction make proposed assignments of the federal construction grant funds available to the eligible projects in the first group in order of priority. The proposed construction

grant funding is then submitted to the board for review and approval. The board may change the executive director's priorities or adjust the proposed funding on the basis of the criteria set forth in these rules. The executive director then notifies each applicant whether or not its application is rating high enough to be included in that year's construction grant funding.

(e) Review of application by the Environmental Protection Agency. After approval of an application by the board for a project which has been assigned a priority position and is within the available funds, the application is forwarded to the Environmental Protection Agency for review to determine the eligibility of the project to receive a federal construction grant. If the project is determined to be eligible, the Environmental Protection Agency makes a grant offer to the applicant.

(f) Grants. Grants at the discretion of the board and with the concurrence of the Environmental Protection Agency may be made for the appropriate eligible step. Grants generally will be divided into as many as three steps: Step 1, Step 2, and Step 3. Step 1 grants are for the funding of facilities planning, Step 2 grants are for funding the preparation of final engineering plans and specifications, and Step 3 grants are for funding the construction of a project, each of which is considered a separate project. The funding of any step grant does not constitute an obligation to fund the subsequent step grants. Funding of subsequent step grants will be dependent upon the priority rating of the project and availability of federal funds.

.004. *Procedures Descriptive Only.* The procedures outlined in this rule are descriptive only. The fact that procedures different from these enumerated in this section may be specified by the Environmental Protection Agency or the board will not affect the legality of any proceeding which falls within the scope of this section.

Doc No. 784889

156.15.05.010-.100

Pursuant to the authority of Sections 5.131 and 5.132, Texas Water Code, the Texas Water Development Board has previously adopted and published rules for the administration of the Federal Construction Grant Program. The Texas Water Development Board has resolved that because of recent amendments to the Federal Water Pollution Control Act and the need to have effective rules for administration of the Federal Construction Grant Program to prepare the fiscal year 1979 Project Priority List, adoption of rules for the Construction Grant Program on fewer than 30 days' notice is necessary.

The Texas Water Development Board repeals Rules 156.15.05.001-.004 and adopts in lieu the following emergency rules relating to the Federal Construction Grant Program to be effective immediately for a period of not longer than 120 days.

These rules are adopted under the authority of Sections 5.131 and 5.132, Texas Water Code.

.010. *General.* The Construction Grants Program under the Federal Water Pollution Control Act (33 United States Code Annotated 1251, *et seq.*) is a program through which financial aid for constructing public sewage treatment works

is provided. The program is administered at the federal level by the United States Environmental Protection Agency (EPA). The Texas Department of Water Resources administers the program in the state. Because the governing procedures are subject to revision at both the federal and state levels, this section of the rules outlines only the basic features of the program as they exist on the date of the adoption of these rules.

.015. *Definitions.* The following definition of terms apply for purposes of this chapter.

(a) "Construction Grant Priority System" means the state priority system describing the methodology used to rate and rank projects that are considered eligible for assistance under the Construction Grants Program and sets forth the administrative, management, and public participation procedures required to develop, revise, and maintain the state Project Priority List.

(b) "Priority rating process" means the process within the Construction Grant Priority System used to rate and rank eligible projects.

(c) "State allocation" means the allotment to the state of funds appropriated by Congress pursuant to the Federal Water Pollution Control Act.

(d) "State's 1974 Needs Survey" means the survey of statewide treatment works needs conducted according to Section 516 of the Federal Water Pollution Control Act.

(e) "Project Priority List" means the list of projects listed in priority rank order which will be considered for funding.

(f) "Project Funding Priority List" means the list of projects taken from the Project Priority List and listed in priority rank order which can be funded.

(g) "Funding period" means that period of time (generally six months) during which a Project Priority Funding List is in effect.

.020. *Eligible Agencies.* Any state, municipality, intermunicipal, or interstate agency is eligible to apply for a construction grant under this program. The term "municipality" is defined in the Federal Water Pollution Control Act as a city, town, borough, county, parish, district, association, or other public body created by or pursuant to state law and having jurisdiction over disposal of sewage, industrial wastes, or other waste, or an authorized Indian tribal organization, or as a designated and approved management agency pursuant to 33 U.S.C.A. 1288.

.025. *Determination of Class Size.*

(a) Eligible population for the purposes of this section will be that population which resides within the legal jurisdiction of the applicant (*i.e.*, city limits). It will be determined from:

(1) information in facility planning (Step 1) and/or 208 areawide planning data, if available; or

(2) other valid information such as adjusted census reports, utility connections, facility planning, or other methods approved by the executive director of the department.

(b) Existing population. For purposes of determining class size, the population utilized will be that population within the city limits existing at the time:

(1) the applicant submits the "Informational Data Request for Prospective Applicants" form to the department;

(2) the applicant is eligible to be considered within

the Step 2 ranking group with an approved facility plan or within the Step 3 ranking group; or

(3) the priority list is adjusted or revised.

(c) Class I. Those projects for all eligible communities with a population of more than 2,500.

(d) Class II. Those projects for all eligible communities with a population of 2,500 or less and in addition:

(1) The applicant for the project must be a municipality as defined in the Federal Water Pollution Control Act. It will not include a governmental entity such as a state university, airport authority, or port authority.

(2) The project must be for a community with "substantial human habitation" on October 18, 1972, the date of the enactment of the Federal Water Pollution Control Act. For purposes of this chapter, closely populated areas with average densities of 1.7 persons per acre (one household for every two acres) or more shall be considered to meet the requirement for "substantial human habitation."

.030. Allocation of Federal Funds. The amount of funds allocated to the state shall be available for obligation for a two-year period or a period of one year after the close of the fiscal year for which the funds are authorized.

(a) Pursuant to federal regulations, the board will determine a reasonable percentage of the total amount of funds to be reserved for contingencies and grant increases.

(b) After the reserve is set aside, the distribution by class of the remaining federal funds will be in direct proportion to the needs reflected in the state's "1974 Needs Survey" for categories I, II, III, and IV. Class I will receive 85.2 percent and Class II will receive 14.8 percent of the remaining federal funds.

(c) The board will establish the appropriate percentages of the available funds for distribution to the Step 1, 2, and 3 ranking groups within each class.

(1) Step 1 ranking group—that group of projects to receive grant consideration for a facility planning project.

(2) Step 2 ranking group—that group of projects to receive grant consideration for preparation of plans and specifications.

(3) Step 3 ranking group—that group of projects to receive grant consideration for construction projects.

(d) The funds distributed to each class and group will be available for projects of that class or group; but, with the board's approval, the funds may be redistributed as necessary during the last 12 months of the obligation period for the fiscal year allocation to eliminate or minimize the return of the Texas allocation to the U.S. Treasury.

(e) Pursuant to federal requirements, at least 25 percent of the funds allocated to the state shall be obligated for those projects involving one or more of the following:

- (1) major sewer system rehabilitation;
- (2) new collector sewers and appurtenances;
- (3) new interceptors and appurtenances; or
- (4) correction of combined sewer overflows.

.035. Preparation of Project Priority List.

(a) In April, the executive director will initiate preparation of a project priority list for the first half of the next federal fiscal year for each class of eligible projects that, as of March 1, are in the following categories:

- (1) have received a step grant and are to receive continued step grant funding consideration for the project; or
- (2) have been included on the current Project

Priority List, but the scope of the project has changed; or

(3) have had confirmed changes that justify re-rating and/or reclassification to another population class; or

(4) remain an unfunded project from an existing Project Priority List; or

(5) is a new eligible project that has submitted the "Informational Data Request for Prospective Applicants" form to the department prior to March 1 of the prior calendar year.

(b) The Project Priority List for the second half of the federal fiscal year will be adjusted in January for each class of eligible projects on the approved list that, as of January 1, fall in the categories stated previously for the April list with the exception of category (5). New projects will not be added during the mid-year adjustment of the list.

(c) Once the lists have been completed, the executive director will apply the appropriate class and ranking group percentage of the available allocation to the respective class list to determine the number of step projects that can be funded in each ranking group.

(d) A Project Priority List will be submitted by the executive director to EPA for approval after approval by the board. The Project Priority List will be categorized into Step 1, Step 2, and Step 3 ranking groups. Each project will be ranked in the respective group according to its priority score, regardless of its class. The Project Funding Priority List, which is that portion of the Project Priority List within the available allocation to receive a construction grant, will also be submitted to EPA for after approval by the board.

(1) The Project Funding Priority List will be extended by the executive director, as necessary, within the available funds distributed to a class to assure timely obligation of all federal allocations. The Project Funding Priority List will be extended by including additional projects from the unfunded portion of the Project Priority List pursuant to their ranking.

(2) Projects that are in, or eligible for, the first ranking group (Step 3) of the first half of the approved fiscal year 1978 list at the time the subsequent list becomes effective shall be given funding consideration over other projects in the Step 3 ranking group unless:

(A) applicable scheduling provisions are not complied with;

(B) the project becomes funded;

(C) the project is removed by the board or EPA.

(3) The Project Funding Priority List will reflect the appropriate priority ranking of all projects that require funding for construction during the funding period of the list. If a project does not require funding during the next 12 months of the funding period of the list, it will not be considered for funding from present available funds. It will be considered for funding as funds are needed and according to its ranking and group from available funds in future federal fiscal years.

.040. Consideration of Projects from Texas Department of Water Resources 208 Municipal Discharge Inventory.

(a) The Municipal Discharge Inventory Ranking (MDIR) is a board-approved listing of projects which appear within a 208 planning area. Eventually, there will be a Municipal Discharge Inventory Ranking List for all 208 planning areas. The MDIR List will reflect the appropriate ranking of all projects by federal fiscal year. Only projects within a current federal fiscal year portion of the MDIR List will be eligible for consideration of funding.

(b) After the 208 list has been approved by the board, the governor-designated 208 waste treatment management agency may request that projects within the current federal fiscal year of the MDIR List be considered for inclusion on the Project Priority List. Projects will be considered for inclusion on the Project Priority List pursuant to Rule .035 (above).

(c) Projects from a department-approved 208 MDIR List submitted for inclusion on the Project Priority List will be rated and a priority score determined pursuant to these rules. The 208 planning project information and project schedule will be re-evaluated and verified pursuant to these rules.

.045. Approval of Project Priority List.

(a) The board will hold public hearings to consider adoption of the proposed Project Priority List and revisions. After adoption by the board of the Project Priority List and any revisions thereto, the Project Priority List will be submitted by the executive director to the EPA for approval.

(b) The Project Priority List will remain in effect until a new list has been approved by the board and EPA, at which time the new list supersedes all previous lists.

.050. Application Process.

(a) Authorized applications.

(1) Applicants for those projects on the Project Funding Priority List will be authorized to submit applications. The executive director will notify applicants by registered mail, return receipt requested, of their eligibility to submit applications for projects. The notification will contain a deadline for submission which will not exceed 30 days beyond the submittal date on the project schedule as reflected on the Project Priority List or revisions.

(2) Application forms. The applicant shall use the forms approved by EPA. The executive director will furnish these forms, together with instructions for their preparation.

(3) Preparation and submission of application. The applicant shall furnish the information specified and submit the completed application to the executive director. The applicant shall furnish such additional information as may reasonably be required by the executive director in support or clarification of the application.

(4) Pursuant to federal requirements, the applicant must show that the applicant has:

- (i) agreed to pay the nonfederal project costs, and
- (ii) has the legal, institutional, managerial, and financial capacity to insure adequate construction, operation, and maintenance of the treatment works throughout the applicant's jurisdiction.

(b) Deleted applications.

(1) If the applicant does not submit the application by the deadline provided in the notice, the executive director shall delete the project from the funding list and notify the applicant. Within 30 days after notice from the executive director, the applicant may request a reconsideration of the deletion by the board at its next regularly scheduled meeting. If a project is deleted, it will subsequently be considered for funding in accordance with Rule .035 (above).

(2) The executive director shall fund additional projects from the Project Priority List with the funds made available from the deleted project.

(c) Submission of a complete application.

(1) As part of a complete application, the applicant must submit a project schedule approved by resolution of the governing body of the applicant which reflects the planned

schedule from initiation of preliminary planning through construction.

(2) The executive director will determine if an application is complete.

(d) Incomplete applications. Applications that are determined by the executive director to be incomplete or inaccurate will be returned to the applicant. The applicant will be given a reasonable period of time for submission of corrected and/or revised data. If the additional information is not timely received by the executive director, the application and project documents will be returned to the applicant. The project will be deleted from the existing funded list, but will subsequently be considered for funding in accordance with Rule .035 (above) when the documents are resubmitted as a complete application.

(e) Projects certified to EPA.

(1) Applications that are complete and that meet all federal requirements will be certified by the executive director to EPA.

(2) Applications that are certified to EPA for grant consideration as of January 1 or April 1 will maintain their status for the step project for the next funding project if circumstances are such that the project is unable to be funded by EPA before the expiration of the current funding period.

.055. Grant Agreement by EPA. Projects certified by the executive director to EPA will be reviewed by EPA to determine the eligibility of the project to receive a construction grant. If EPA determines the project is eligible, EPA will offer a grant agreement to the applicant.

(a) An approved project schedule will be included in the grant agreement by EPA.

(1) The approved project schedule will include the schedule for the project.

(2) The applicant shall keep the executive director advised of any changes that could affect the priority project schedule or estimated cost of the project.

(3) An applicant that does not meet its project schedule will not be considered for subsequent step funding until the entity submits sufficient information to assure the executive director that it will adhere to the project schedule.

(b) Upon board recommendation, a grant may be cancelled by EPA if the grantee does not complete the project within the approved project schedule.

(1) When such a grant cancellation is proposed, the grantee will be notified by certified mail, return receipt requested, and the proposed grant cancellation placed upon the agenda of the board for the next regular meeting. The board will consider recommending that the grant be cancelled by EPA.

(2) The grantee may request from the board an extension of time to utilize the funds; however, extensions of time will not normally be granted by the board without full and adequate justification. The availability of uncommitted funds for other projects will be considered in granting extensions of time for commitment of funds.

(3) If a grant is cancelled, the recovered funds will be reallocated to other projects in accordance with these rules.

(c) A grantee may request a grant increase to be effected through a grant amendment.

(1) All requests for grant increases must be fully justified in writing.

(2) The request for a grant increase will be submitted to the board. Board consideration will not be required for:

(A) a grant increase for a project that does not exceed 10 percent or \$100,000, unless the cumulative total of grant increases for the project exceeds 10 percent of the original grant agreement or \$100,000;

(B) a grant increase for the costs of a required infiltration/inflow evaluation survey or a required environmental impact statement.

.060. Project Priority Rating Process.

(a) As they are received, projects will be promptly subjected to a rating process with each project obtaining a priority score determining its ranking. A project will not be included in the Project Priority List until the next list is adopted as specified in Rule .035 (above). The applicant shall keep the executive director advised of any changes that could affect the priority score, project schedule, and/or estimated cost of its project.

(b) The general factors considered by the board and the executive director in evaluating a project to establish its priority rating score are:

- (1) existing treatment facilities and operation and maintenance thereof;
- (2) water quality impact;
- (3) future treatment requirements;
- (4) environmental nuisances;
- (5) water quality problem longevity.

Each factor is worth a given number of points. The executive director assigns a score on each factor utilizing the method contained in the appropriate rating sheet. The sum of the scores on all factors is the priority rating score for the project.

(c) The applicant need only submit preliminary planning and engineering information for its project to be considered for a Step 1 grant.

(1) Subsequent Step 2 and Step 3 projects will be re-evaluated and ranked with a priority score only after the executive director has approved the facility planning and engineering information.

(2) In the reevaluation, total "treatment works" needs will be segmented into separate projects and rated individually as one project.

(d) Where a grant is made for a Step 1 project from fiscal year 1973 and later funding authorization, a priority ranking for a subsequent Step 2 or Step 3 project will be determined only from executive director-approved facility planning and engineering information.

.065. Definition of Terms. The following definition of terms apply where used in these rules or in proceedings related to the subject of these rules unless otherwise specifically indicated.

(a) Table I—A listing of points utilized to rate the impact of a waste discharge on the water uses of the receiving stream.

(b) Table II—A listing of points utilized to rate the possible environmental nuisances of the waste discharge.

(c) Table III—A listing of points utilized to rate the estimated present flow of a septic tank community.

(d) Table IV—A listing of points utilized to rate the environmental nuisance factor for a relief interceptor.

(e) Table V—A listing of points utilized to rate the environmental nuisance factor for new interceptors and collection facilities.

(f) Figure I—A listing of points utilized to determine the population affected by a waste discharge.

(g) "BOD_a"—Average effluent biochemical oxygen demand₅ concentration derived from at least six months of the self-reporting data, or if six months is not available, then the best department information available.

(h) "BOD_a"—Effluent biochemical oxygen demand₅ specified in the applicable waste control order or 30, whichever is smaller.

(i) "SS_a"—Average effluent suspended solids concentration derived from at least six months of the self-reporting data, or if six months data is not available, then the best department information available.

(j) "SS_p"—Effluent suspended solids specified in the applicable waste control order or 30, whichever is smaller.

(k) "V_a"—Average effluent flow in million gallons per day (mgd) received at the existing plant during the latest six months of the self-reporting data, or if six months data is not available, then the best department information available.

For septic tank communities, use Table III to obtain V_a.

(l) "A"—Highest single number derived from Table I determined from the department district prerating inspection report based on the receiving water use and distance downstream of the water use from the discharge along the stream channel.

(m) "B"—Number derived from Figure I by the department using as an abscissa (the horizontal coordinate of the graph), the average population densities of the counties traversed by the receiving stream for a distance of 50 miles downstream from the point of discharge and includes the originating and terminating counties. The population densities of the various counties used will be determined from the latest edition of the *Texas Almanac* using the 1970 population and the county square mile area.

(n) "BOD_r"—Effluent BOD₅ specified in the applicable waste control order or basin plan for the proposed wastewater treatment facility.

(o) "SS_r"—Effluent suspended solids specified in the applicable waste discharge permit or basin plan for the proposed wastewater treatment facility.

(p) "N_r" "P_r"—Sum of 2.5 (where applicable waste discharge permits or basin plans require nitrogen removal for the proposed wastewater treatment facility) and/or 2.5 (where phosphorus removal is required) included in the future treatment formula.

(q) "V_r"—Applicable waste discharge permit or basin plan parameter for volume in million gallons per day for the proposed wastewater treatment facility.

(r) "SRF"—Segment ranking factor as developed in the department's continuing planning process for the receiving stream segment and is the degree of noncompliance of the stream segment as compared to the stream standards.

SRF equals .5 plus ((Water Q Segments plus 1) minus Seg Rank) divided by Water Q Segments multiplied by 2 where ((Water Q Segments plus 1) minus Segment Rank) divided by Water Quality Segments multiplied by 2 is less than zero, the SRF equals .5.

(s) "C"—Highest score derived from Table II by the department based on information obtained by the department district prerating inspection and multiplied by average annual-monthly rainfall and the contributing population based on 100 gallons per capita per day. "C" is determined by multiplying the score from Table II by the average rainfall divided by 12 and the present volume of wastewater in

million gallons per day based on the present population at 100 gallons per capita per day.

- (t) "EPS"—Existing population served by the facility.
- (u) "DP"—Design population of the existing facility.
- (v) "ENF"—Factor obtained from Table IV based on the frequency of overflow of the existing interceptor/lift station.
- (w) "ECF"—Factor obtained from Table V based on the type of environmental conditions to be corrected.
- (x) "PSA"—Total population for the service area.
- (y) " V_p "—Applicable waste discharge permit parameter for volume in million gallons per day for the existing wastewater treatment facility.
- (z) "E"—Apparent efficiency of the wastewater treatment facility calculated by the following formula:

Influent BOD or SS minus Effluent BOD or SS divided by Influent BOD or SS

Where Influent BOD or SS cannot be verified, 200 mg/1 will be used. Effluent BOD or SS will be the same as BOD_a or SS_a .

(aa) Longevity factor will be the number of months since the project was included on a Project Priority List minus 12.

.070. Assignment of Priority Rating Sheets to Projects.

(a) Priority rating scores will be computer calculated by utilizing the method reflected on Rating Sheet 1—Replacement Wastewater Treatment Facilities, Rating Sheet 2—Replacement Interceptors/Lift Stations, Rating Sheet 3—New Sewerage Systems, Rating Sheet 4—New Interceptors/Lift Stations, and Rating Sheet 5—Collection Facilities, depending upon the type of project involved. Only one rating sheet will be used per project. Whenever the executive director determines the rating system is not applicable to a particular project, the executive director may derive a special rating score in such a manner as necessary and directly related to water quality management. The manner in which the special rating score was derived and the justification therefor will be presented by the executive director at the public hearing on the list. The reasonableness and propriety of using a special rating score and the comments received at the public hearing regarding the special score for the particular project will be considered by the board upon its approval of the Project Priority List.

(b) Operation and maintenance practices. The Section I score under Rating Sheet 1 will be adjusted for apparent operation and maintenance practices. This adjustment will be computed by multiplying the formulas for BOD and SS by V_a/V_p (E plus .15), where V_a is the average effluent flow in mgd, V_p is the flow in mgd authorized in the waste discharge permit issued by the commission, and E is obtained by the following calculations:

E equals BOD in minus BOD out divided by BOD in and/or E equals SS in minus SS out divided by SS in;

where BOD in and/or SS in cannot be verified, 200 mg/1 will be used. BOD out and SS out will be the same as BOD_a and/or SS_a .

(c) Water quality problem longevity. All projects will be adjusted for water quality problem longevity starting 12 months after inclusion on the Priority List. The adjustment will be obtained by multiplying the rating score by 0.042

times the longevity factor and adding this number of points to the rating score.

(d) Maximum values for sections on rating sheets. The maximum totals for each section on the rating sheets shall not exceed the following values:

- (1) Section I: 200 points.
- (2) Section II: 350 points.
- (3) Section III: 200 points.
- (4) Section IV: 50 points.
- (5) Section V: 800 points.

The total score for any rating sheet shall not exceed 800 points.

.075. Rating Sheet 1—Replacement Wastewater Treatment Facilities. Rating Sheet 1 will be used where the project consists of construction of wastewater treatment facilities to replace or improve existing wastewater treatment facilities. The priority rating for a project which replaces or provides improvements to two or more existing treatment facilities will be based on a weighted average of the parameters of the permits issued by the commission. Should the facility plan identify other eligible cost-effective work (e.g., interceptor sewers, collection lines, or other related line work) in addition to the wastewater treatment facility work, then such other work may be considered for Step 2 and Step 3 grant participation under the Rating Sheet 1 priority score only to the extent that the proposed "other" work does not exceed 15 percent of the total eligible cost of the wastewater treatment plant or \$1.5 million, whichever is less. The eligible cost of the wastewater treatment plant may include the eligible construction costs at the plant site including the effluent outfall line, the eligible sewer rehabilitation costs (as defined by a sewer system evaluation survey report), the eligible lift station and force main construction costs (if the lift station/force main discharges directly to the wastewater treatment plant facilities with no planned intermediate lift stations and/or force main connection), and the eligible engineering costs that are directly associated with these costs. The "other" work includes all eligible costs not identified as "treatment plant costs."

(a) If the facility plan determines that it is cost-effective to abandon the existing treatment plant and divert to a different location, then the 15 percent described above may be modified to provide enough funds to construct the interceptor system. The 15 percent may be increased to that percent necessary to allow grant participation in the necessary interceptor to the new plant site, provided there are no planned connections to the interceptor. Other types of work in excess of 15 percent of the project cost will be considered in a separate project for rating purposes and will be rated in accordance with the appropriate procedure for the type of work involved. As a prerequisite for Step 2 or Step 3 project included on the Project Funding List regardless of the rating score attained, an appropriate waste discharge permit issued by the commission, if such is required, must be secured before the project will be certified for funding to the Environmental Protection Agency. This procedure is adopted to preclude the possibility of making a grant offer to a project for which a permit cannot be secured.

(b) Where the waste discharge permit issued by the commission provides for "no-discharge," the factors ($BOD_a - BOD_p$) and ($SS_a - SS_p$) shall have a unit value of 1.

.080. *Rating Sheet 2—Replacement Interceptor/Lift Stations.* Rating Sheet 2 will be utilized for all projects involving the replacement or improvement of overloaded interceptor lines and/or interceptor lift stations, with the exception of lift stations which are an integral part of a sewage treatment plant where Sheet 1 will be used. If a project in this classification includes increasing the size of the replacement line to provide additional service, the increase may not exceed 25 percent of the present contributing flow to the line to be replaced and qualify for Rating Sheet 2. Rating Sheet 2 does not include lift stations within the collection system. Other type of work involving new interceptors, lift stations, and/or collection facilities cannot exceed 25 percent of the total eligible costs. That line work in excess of the 25 percent must be rated and stand on its own merits.

.085. *Rating Sheet 3—New Sewerage Systems.* Rating Sheet 3 may be utilized in the instance of a treatment plant project to serve an existing municipality presently without sanitary sewerage service. The Rating Sheet 3 score is applicable to the sewage treatment plant, and/or interceptor, and/or collection system required to provide sanitary sewerage service to the existing community on septic tanks. Regardless of the rating score attained as a prerequisite for a Step 2 or Step 3 project being included on the Project Funding List under this rating method, an appropriate waste discharge permit issued by the commission, if such is required, must be secured before the project will be certified for funding to EPA. This procedure is adopted to preclude the possibility of making a grant offer to a project for which a permit cannot be secured. The intent is that this rating sheet will only be used for a true septic tank community. It does not include new subdivisions, newly developed urban areas, existing communities with a sewerage system, or new communities. For purposes of Rating Sheet 3, Section 1—existing treatment facilities, specific BOD and SS units will be utilized and related to existing population to be served and

septic tank overflow where $(BOD_a - BOD_p)$ equals 80 and $(SS_a - SS_p)$ equals 1.

.090. *Rating Sheet 4—New Interceptors/Lift Stations.* Rating Sheet 4 will be utilized for a project designed to transfer waste presently being treated in one sewage treatment plant to another sewage treatment plant where such transfer will result in the abandonment of an existing inadequate sewage treatment plant, or will result in relieving the load on the existing treatment plant to such a degree that the existing sewage treatment plant will become compliant with its appropriate permit. As a prerequisite to receiving a score under Sheet 4, the receiving sewage treatment plant, either existing or to be constructed, must have adequate capacity and a waste discharge permit issued by the commission prior to the completion of the interceptor to properly treat the waste being diverted thereto. Rating Sheet 4 will also be used to rate other new interceptor lines, such as an interceptor to serve an unserved area of an existing community.

.095. *Rating Sheet 5—Collection Systems.* Rating Sheet 5 will be utilized in rating projects involving improvements to existing collection systems, including the provisions of sewerage service to existing unsewered area(s) of a community.

.100. *Rating Sheets 1-5, Tables I-V, and Figure I—Population Density Point Curve.* The following items will be used to fulfill the requirements specified in the rules.

Issued in Austin, Texas, on July 21, 1978.

Doc. No. 784890 Bruce Bigelow
 General Counsel
 Texas Department of Water Resources

Effective Date: July 21, 1978

Expiration Date: November 18, 1978

For further information, please call (512) 475-7836.

Rating Sheet 1 - Replacement Wastewater Treatment Facilities

I. Existing Treatment Facilities

$$(BOD_a - BOD_p) V_a [V_a/V_p \times (E + .15)] = \underline{\hspace{2cm}}$$

$$(SS_a - SS_p) V_a [V_a/V_p \times (E + .15)] = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} \times 0.9 = \underline{\hspace{2cm}}$$

II. Water Quality Impacts

$$(A+B) \times \text{Subtotal I} \times 0.4 = \underline{\hspace{2cm}}$$

III. Future Treatment Requirements

$$\left[\frac{100}{BOD_r + SS_r} + N_r + P_r \right] \times V_r \times SRF \times 0.7 = \underline{\hspace{2cm}}$$

IV. Environmental Nuisances

$$C \times 0.5 = \underline{\hspace{2cm}}$$

$$\text{Rating Score} = \underline{\hspace{2cm}}$$

V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor} = \underline{\hspace{2cm}}$$

$$\text{Total Score} = \underline{\hspace{2cm}}$$

Rating Sheet 2 - Replacement Interceptors/Lift Station

I. Existing Treatment Facilities = 0

II. Water Quality Impacts

$\frac{(EPS)^2}{1300 DP} \times ENF$ = _____

III. Future Treatment Requirements = 0

IV. Environmental Nuisances

C x 0.5 = _____

Rating Score = _____

V. Water Quality Problem Longevity

Rating Score x 0.042 x longevity factor = _____

Total Score =

Rating Sheet 3 - NEW SEWERAGE SYSTEMS

I. Existing Treatment Facilities

$$(BOD_a - BOD_p) V_a \times 0.2$$

$$(SS_a - SS_p) V_a \times 0.2$$

$$\text{Subtotal I} = \underline{\hspace{2cm}}$$

$$\text{Subtotal I} \times 0.9$$

II. Water Quality Impacts

$$(A+B) \times \text{Subtotal I} \times 0.4$$

III. Future Treatment Requirements

$$\left[\frac{100}{BOD_r + SS_r} + N_r + P_r \right] \times V_r \times SRF \times 0.7$$

IV. Environmental Nuisances

$$C \times 0.5$$

RATING SCORE

V. Water Quality Problem Longevity

$$\text{Rating Score} \times 0.042 \times \text{longevity factor}$$

TOTAL SCORE

Rating Sheet 4 - NEW INTERCEPTORS/LIFT STATIONS

I. Existing Treatment Facilities

- 0

II. Water Quality Impacts

$\frac{1.5 (EPS)^2}{3000 PSA} \times ECF$

- _____

III. Future Treatment Requirements

- 0

IV. Environmental Nuisances

$C \times 0.5$

- _____

RATING SCORE

- _____

V. Water Quality Problem Longevity

Rating Score x 0.042 x longevity factor

- _____

TOTAL SCORE

- _____

Rating Sheet 5 - COLLECTION FACILITIES

I. Existing Treatment Facilities

- 0

II. Water Quality Impacts

$$\frac{1.5 (EPS)^2}{3500 PSA} \times ECF$$

- _____

III. Future Treatment Requirements

- 0

IV. Environmental Nuisances

$C \times 0.5$

- _____

RATING SCORE

- _____

V. Water Quality Problem Longevity

$Rating\ Score \times 0.042 \times longevity\ factor$

- _____

TOTAL SCORE

- _____

Table I

Impact on Water Uses of Receiving Stream

(Stream Miles From Discharge)

<u>Water Uses</u>	<u>0-5</u>	<u>5-10</u>	<u>10-20</u>	<u>20-40</u>	<u>>40</u>
1. Drinking Water	7.5	6.5	5.0	3.0	1.5
2. Contact Recreation	6.5	5.0	3.0	1.5	0.5
3. Non-Con. Recreation	5.0	3.0	1.5	0.5	0
4. Fish and Wildlife	3.0	1.5	0.5	0	0
5. Shipping	1.5	0.5	0	0	0

Table II

Environmental Nuisances:

- A. Department files reflect unavoidable verified bypasses and/or spillages [15].

REGULAR - 15 INTERMITTENT - 9 ONLY DURING RAINS - 4

- B. Lift Station/interceptor/STP unavoidable bypasses and/or spillages.

Regular - 12 Intermittent - 7 Only During Rains - 3

- C. Septic tank overflows:

General - 12 Limited - 7 Only During Rains - 3

- D. WHERE NONE EXIST, C = 0.

TABLE III

Septic Tank Overflows:

A. General area <u>use</u>	<u>*Population to be served</u>	-
	1 x 10 ⁴	
B. Limited area <u>use</u>	<u>*Population to be served</u>	-
	2 x 10 ⁴	
C. Only During Rains <u>use</u>	<u>*Population to be served</u>	-
	3 x 10 ⁴	

Then this will be the "V_a" Factor for rating sheet 3 for a new sewerage system.

Note: Selection of General Area, Limited Area, or Only During Rains will be determined from the Environmental Nuisances Section.

*Existing population to be served by project.

TABLE IV

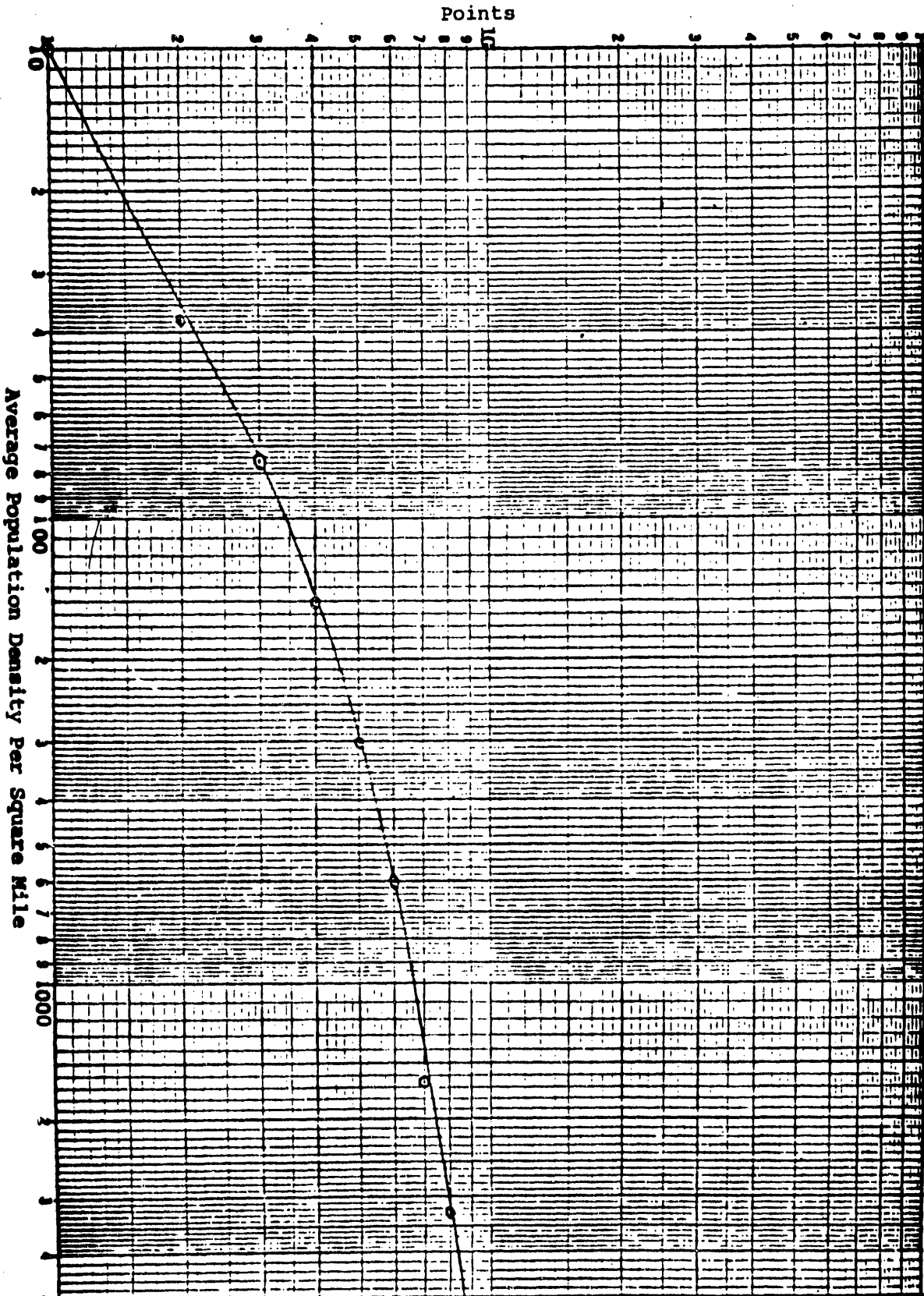
<u>Overflow</u>	<u>ENF</u>
A. Regular <u>use</u>	1.25
B. Intermittent <u>use</u>	1.0
C. Only During Rains <u>use</u>	0.5

Note: Selection of Regular, Intermittent, or Only During Rains will be determined from the Environmental Nuisances Section.

Table V

<u>Environmental Condition</u>	<u>ECF</u>
A. Divert to another STP	2.0
B. Abandon STP	2.5
C. Serve Existing Area	
Septic Tank Overflow:	
General Area	1.0
Limited Area	0.75
Only During Rains	0.5
No Overflow	0.0
D. Serving Projected Population	0.5

FIGURE 1



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

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

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

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

State Board of Barber Examiners

General Rules of Practice and Procedure

The Board 378.01.01

The State Board of Barber Examiners is proposing an amendment to Rule 378.01.01.001 under the authority of Articles 8401-8407 and 8407a, Texas Civil Statutes. The amendment was proposed because the board members who own and work in barber shops and own barber colleges do not want to be away from their places of business on Tuesdays.

There will be no additional cost of enforcing or administering the rule, because, in compliance with Rule 378.01.03.003, an application with a letter is mailed to each applicant from another state. (Source: board staff.)

Public comment on the proposed amendment is invited. Comments may be submitted in writing or by telephoning Charles F. Blackburn, executive secretary, Suite H-111, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2241.

.001. Regular Meetings. Regular meetings of the State Board of Barber Examiners will be held at 5555 North Lamar, Building H, Suite 111, *Austin, Texas*, on the first Monday of each month, except September and any legal holiday which falls on the first Monday, *when it will meet on the second Monday* [when it will meet on the first Tuesday].

Issued in Austin, Texas, on July 26, 1978.

Doc. No. 785013 Charles F. Blackburn
Executive Secretary
State Board of Barber Examiners

Proposed Date of Adoption: September 4, 1978
For further information, please call (512) 458-2241

Texas Department of Corrections

Rules and Regulations and Grievance Procedures Governing Inmate Conduct

Standards and Behavior Codes 202.01.30

The Texas Department of Corrections is proposing the amendment of Rule 202.01.30.009, which deals with incoming publications. The proposed amendment will be a help in the administrative review of incoming publications.

There are no expenditures involved in adoption of this amendment (source: department staff).

Public comment on the proposal is invited. Comments may be submitted by telephoning Robert E. DeLong, Jr., at (713) 295-6371, or by writing to him at P.O. Box 99, Huntsville, Texas 77340.

This proposal is made under the authority of Article 6166-j, Vernon's Texas Civil Statutes.

.009. Correspondence.

(f) Race, color, or national origin shall not be a consideration in the administrative review of incoming publications.

Issued in Huntsville, Texas, on July 25, 1978.

Doc. No. 785016 Robert E. DeLong, Jr.
Assistant Director for General Counsel
Texas Department of Corrections

Proposed Date of Adoption: September 4, 1978
For further information, please call (713) 295-6371.

Texas Historical Commission National Register Procedures

Appointments, Grant Periods 352.03.02

The Texas Historical Commission is proposing a revision to Rules 352.03.02.002-.003, which make it mandatory that National Register properties that are awarded Department of Interior grants submit a complete project proposal within five months of the date of the award and begin implementation of the proposed work within three months of the approved start date or automatically forfeit the entire grant allocation.

Texas Historical Commission staff has determined there are no fiscal implications.

Public comment is invited. Comments may be submitted in writing to the Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711 (Attention: Joe R. Williams, director, National Register Program for Texas). Comments will be accepted for 30 days after publishing in this *Register*.

These rules are proposed under the authority of Article 6145, Vernon's Texas Civil Statutes.

.002. *Project Initiation Time Limit. National Register properties awarded Department of the Interior grants through the Texas Historical Commission must submit a complete project proposal within five months of the date of award. Projects failing to comply with this deadline will automatically forfeit the entire grant allocation.* [On January 31, 1975, a motion was approved to limit to one year after the announcement of the award of a grant-in-aid the time allotted for initiation of a project or the monies would be reallocated.]

.003. *Work Commencement Time Limit. National Register properties awarded Department of Interior grants through the Texas Historical Commission must begin implementation of the proposed work within three months of the approved start date. Projects failing to comply with this deadline will automatically forfeit the entire grant allocation.* [A motion was adopted October 24, 1975, to set a limit of one year from the initiation of a grant-in-aid project to commencement of work or the funds for a grant project will be reallocated to other projects.]

Issued in Austin, Texas, on July 24, 1978.

Doc. No. 785012 Truett Latimer
Executive Director
Texas Historical Commission

Proposed Date of Adoption: September 4, 1978
For further information, please call (512) 475-3092.



Texas State Board of Physical Therapy Examiners

The purpose of this board, as created by an act of the 62nd Legislature, Article 4512e of Vernon's Annotated Civil Statutes, is to license only qualified physical therapists and enforce the law through investigation in order to protect the public welfare and to provide optimal physical therapy service to the citizens of the State of Texas.

The purpose of these rules and amendments is to clarify and further define the intent of the act.

These rules will have no fiscal impact (source: board determination).

Comment or inquiry from any person is invited and may be directed to Lois M. Smith, executive director of the Texas State Board of Physical Therapy Examiners, 5555 N. Lamar, H-135, telephone (512) 475-7956.

The Board 522.02.00

The following rule is proposed under the authority of Article 4512E, Vernon's Annotated Civil Statutes.

.009. *Name and Addresses of Board Members.* The names and addresses of board members may be released to persons requesting this information when, at the discretion of the executive director, the request is related to board business.

Doc. No. 785031

Physical Therapy License 522.07.00

The following rule is proposed under the authority of Vernon's Annotated Civil Statutes, Article 4512E.

.009. Examination Guidelines

(a) Upon receiving notification of the exam schedule, any candidate who will not be able to attend the examination must submit his reason in writing to the board for approval. Any examination candidate who is scheduled to take the P.E.S. exam and is unable or fails to appear, may be excused under the following situations:

- (1) illness, validated with a written statement from a physician;
- (2) circumstances caused by acts of God, evidence acceptable to the board;
- (3) accident, evidence acceptable to the board; and
- (4) other conditions as evaluated and accepted by the board.

(b) If a candidate holding a temporary license awaiting Texas examination takes the P.E.S. examination in another state prior to the next examination administered in Texas, he will then be considered under Section 10 of the Texas Physical Therapy Practice Act. In the event the scores are not made available to the Texas board 30 days prior to the Texas scheduled examination, his or her temporary license shall be revoked on the next working day following the Texas examination. If scores are available and any part(s) have been failed, he or she must take all parts of the examination on the scheduled date, since the board cannot consider this a re-examination.

(c) If a candidate provides medical testimony that he or she is unable to write the written examination, the examination being administered to all other candidates at that time may be read by a proctor and oral answers recorded.

(d) If an examinee has failed the physical therapy examination and wishes to take the physical therapist assistant exam, he or she may take their transcripts to a college or university that offers an approved program for physical therapy assistants and have them reviewed for admissible credits and recommendations of additional courses needed, and, upon completion of such courses; if an associate degree is awarded, this degree can then be presented to the board as qualifying evidence to take the physical therapy assistant examination.

(e) If an examinee fails the examination in Texas and then takes the same examination (P.E.S.) in another state and passes with resulting scores that meet the minimum requirements of Texas, he or she will be accepted by endorsement, the same as anyone coming from another state.

(f) A certificate of proficiency or a statement of official transcript that the physical therapy curriculum or undergraduate courses have been completed and the student is eligible for conferring of a degree, signed by the director of the program and the dean of the school, is acceptable as requirement for taking the licensing examination.

Doc. No. 785032

Temporary License 522.09.00

The following rule is proposed under the authority of Vernon's Annotated Civil Statutes, Article 4512E.

.002. Renewal of Temporary License. Any applicant scheduled for examination who fails to sit for the next administered examination for any reason shall file for a temporary license renewal, which shall require an accompanying fee of one half the renewal fee currently required by the board.

Doc. No. 785033

Display of License 522.12.00

The following amendment is proposed under the authority of Vernon's Annotated Civil Statutes, Article 4512E.

.001. License and Renewal Certificate. Each licensee will display his original license, or an official duplicate issued by the board, and a renewal certificate in a conspicuous place in the principle office where he practices physical therapy. Any reproduction displayed in lieu of the above is unauthorized by the board. *The original license and renewal certificate must be displayed in the principle place of business and the wallet size renewal card may be shown for identification upon request at other places of business.*

Issued in Austin, Texas, on July 26, 1978.

Doc. No. 785034 Lois Smith
Executive Director
Texas State Board of Physical
Therapy Examiners

Proposed Date of Adoption: September 4, 1978

For further information, please call (512) 475-7956.

Office of the Secretary of State

Elections Division

Campaign Reporting and Disclosure 004.30.14

(Editor's note: The text of these rules may be examined in the office of the Elections Division, 9th floor, Sam Houston Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The secretary of state is proposing the repeal of Rules 004.30.14.201-.204, because they adopted forms for administering campaign reporting and disclosure which are no longer prescribed by the Office of the Secretary of State.

The Elections Division of the Secretary of State's Office has determined that this proposed rule has no fiscal implications for the state or for units of local government.

Public comment on the proposed repeal is invited. Comments may be submitted by telephoning the Elections Division of the Office of the Secretary of State at (512) 475-3091 or by writing to the division at P.O. Box 12887, Austin, Texas 78711.

These proposals are made under the authority of Article 1.03, Vernon's Texas Election Code.

- .204. Candidates: Campaign Treasurer and Reporting.*
- .202. Office Holder: Reporting.*
- .203. Specific Purpose Political Committees: Reporting and Campaign Treasurer.*
- .204. General Purpose Political Committees: Reporting.*

Doc. No. 784998

Voting Rights Act 004.30.16

(Editor's note: The text of these rules may be examined in the office of the Elections Division, 9th floor, Sam Houston Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The secretary of state is proposing the repeal of Rule 004.30.16.101, because it applies to an election which has now passed.

The Elections Division of the Secretary of State's Office has determined that this proposed rule has no fiscal implications for the state or for units of local government.

Public comment on the proposed repeal is invited. Comments may be submitted by telephoning the Elections Division of the Office of the Secretary of State at (512) 475-3091 or by writing to the division at P.O. Box 12887, Austin, Texas 78711.

This proposal is made under the authority of Article 1.03, Vernon's Texas Election Code.

- .101. U.S. Justice Department Determination.*

Doc. No. 785010

Miscellaneous Elections 004.30.18

(Editor's note: The text of these rules may be examined in the office of the Elections Division, 9th floor, Sam Houston Building, Austin, or in the office of the Texas Register Division, 503E Sam Houston Building, Austin.)

The secretary of state is proposing to repeal Rules 004.30.18.101-.105, because the rules may conflict with certain express statutory provisions.

The Elections Division of the Office of the Secretary of State has determined that the proposed repeals have no fiscal implications for the state or for units of local government.

Public comment on the proposed repeal is invited. Comments may be submitted by telephoning the Elections Division of the Office of the Secretary of State at (512) 475-3091 or by writing the Elections Division at Secretary of State, P.O. Box 12887, Austin, Texas 78711.

These rules are proposed for repeal under the authority of Article 1.03, Vernon's Texas Election Code.

- .101. Local Option Generally.
- .102. Signing Petitions.
- .103. The Wet or Dry Status of a Subdivision Subsequent to Disannexation.
- .104. Vacancy on City Council—Filling.
- .105. Local Option Petition—Residency Requirements.

Issued in Austin, Texas, on July 26, 1978.

Doc. No. 785011 Steven C. Oaks
Secretary of State

Proposed Date of Adoption: September 4, 1978
For further information, please call (512) 475-3091.

Tax Assessor Examiners Board

Classification of Registrants 038.02.00

Article 7244B, Section 12, requires that while on official duty, persons duly registered and authorized to engage in the practice of assessing shall carry a serially numbered card of identification issued by the Tax Assessor Examiners Board, stating the expiration date, if any, of the registration and describing the classification into which the holder is placed for purposes of registration. Article 7244B specifically states that the board shall use its judgment in many areas. The board felt it was necessary to expand on the classification to some extent in order to carry out the intent of the legislature. The board proposes to adopt Rule 038.02.00.001.

This rule has no fiscal implications for units of local government of the state as determined by the Tax Assessor Examiners Board because the rule itself has only to do with classification of registrants.

Public comment on the proposed adoption of Rule 038.01.00.001 is invited. Comments may be submitted to Carl S. Smith, chairman, Tax Assessor Examiners Board, P.O. Box 13246, Austin, Texas 78711.

This rule is proposed under the authority of the Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (1977).

.001. *Types of Classifications.* The types of classifications for persons duly registered and authorized to engage in the practice of assessing are as follows:

- (1) Class I—registration permit holder,
- (2) Class II—registered Texas assessor,
- (3) Class III—registered Texas assessor and candidate for certification, and
- (4) Class IV—registered professional assessor of Texas.

Doc. No. 784957

Requirements for Registered Professional Assessor 038.03.00

Article 7244B, Section 18, requires that certificates for registered professional assessors shall be issued by the Tax Assessor Examiners Board to qualified persons meeting certain requirements set forth by the board. The board, in its discussions, felt that the requirements for a registered professional assessor should be such that the acquisition of such a designation would have value and be recognized by the assessing profession as a desirable goal, and the board proposes to adopt Rule 038.03.00.001.

This rule has no fiscal implications for units of local government of the state as determined by the Tax Assessor Examiners Board because the rule itself has only to do with the requirements for a registered professional assessor.

Public comment on the proposed adoption of Rule 038.03.00.001 is invited. Comments may be submitted to Carl S. Smith, chairman, Tax Assessor Examiners Board, P.O. Box 13246, Austin, Texas 78711.

This rule is proposed under the authority of the Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (1977).

.001. *Qualifications for Registered Professional Assessor.* In order to qualify for the registered professional assessor (R.P.A.) designation of Texas, it is mandatory for the candidate to earn 100 credits from the list of requirements that follow. Requirements (a)(1) through (4) and (b)(1) and (2) are mandatory and must be met regardless of what might be attained on the balance of the requirements.

- (a) Prerequisites.
 - (1) Be at least 25 years of age 0 credits
 - (2) Be a resident of the State of Texas . . . 0 credits
 - (3) Have at least five years experience as a practicing assessor, such experience to be in actual field work or direct administration of assessment work 0 credits
 - (4) Subscribe to the Assessors Code of Ethics adopted by the Tax Assessor Examiners Board 0 credits
- (b) Mandatory.
 - (1) Successfully pass an examination which shall consist of a written examination testing the candidate's knowledge of real and personal property valuation theory and the three approaches to value and may, at the discretion of the Board of Tax Assessor Examiners, include an oral examination. Place and time of examination to be announced by the board. 50 credits

(2) Submit to Tax Assessor Examiners Board a complete narrative-type appraisal of a property acceptable to the board, using all three recognized approaches to value—not to exceed 20 credits.

(c) Elective.

(1) College degree and/or study beyond high school credits to be awarded by the Board of Tax Assessor Examiners dependent upon type of study and its application to assessment work—not to exceed 15 credits.

(2) In-service training. Credits to be awarded for attendance at training courses which in the opinion of the Tax Assessor Examiners Board offer programs which are broad enough to warrant the board to award credits—not to exceed 30 credits.

(3) For lecturing or teaching at in-service training courses, and/or authoring articles which in the judgment of the Tax Assessor Examiners Board constitute significant contributions to assessment literature—not to exceed 15 credits.

(4) Experience. Three credits for each year over those specified in (3) above—not to exceed 45 credits.

(Total 1 through 10 175)

.002. *Approval of Courses.* The Board of Tax Assessor Examiners has approved all in-service training courses offered by the Texas Association of Assessing Officers, (Suite 309, Stewart Title Building, 812 San Antonio Street, Austin, Texas), and credits will be awarded to each registrant who successfully completes each course.

Doc. No. 784958

Assessor's Code of Ethics 038.04.00

As required under the Texas Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (1977), the Tax Assessor Examiners Board has proposed the following code of ethics and the adoption of Rule 038.04.00.001.

This rule has no fiscal implications for units of local government of the state as determined by the Tax Assessor Examiners Board because the rule itself has only to do with the requirements for an assessor's code of ethics.

Public comment on the proposed adoption of Rule 038.04.00.001 is invited. Comments may be submitted to Carl S. Smith, chairman, Tax Assessor Examiners Board, P.O. Box 13246, Austin, Texas 78711.

This rule is proposed under the authority of the Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (1977).

.001. *Code of Ethics.* As required under the Assessors Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (1977), the following code of ethics as adopted by the Board of Tax Assessor Examiners of the State of Texas shall be subscribed to by all tax assessor-collectors:

(a) assess property in the jurisdiction on a fair and equal basis to the best of one's ability, using the estimated true market value as the basis for judgment except when required otherwise by the Texas Constitution or by law;

(b) hold confidential any information received while performing duties as an assessor which could be used for personal gain, unless the information is public information or is required by law to be public;

(c) listen with patience and consideration to every complaint with an open mind, free of prejudice and intolerance;

(d) set aside personal opinion when consulted on matters of a controversial nature and offer factual, objective, and truthful advice;

(e) perform assessment duties in a manner consistent with statutory requirements without accommodating any particular interests, being factual, objective, and honest in the conclusion;

(f) refuse to accept an assignment for assessing service if the employment is contingent on the reporting of a specific predetermined amount of value or is contingent on the reporting of specific findings other than those known by the assessor to be facts at the time of accepting the assignment;

(g) only accept the office salary or fee for assessing services rendered;

(h) in no way act in a manner or engage in a practice that is dishonest or fraudulent or involves deceit or misrepresentation that will bring discredit on the honor and dignity of the assessing profession;

(i) give full faith and allegiance to the office, apply the law of the jurisdiction to all taxpayers alike, and obey all applicable laws and regulations;

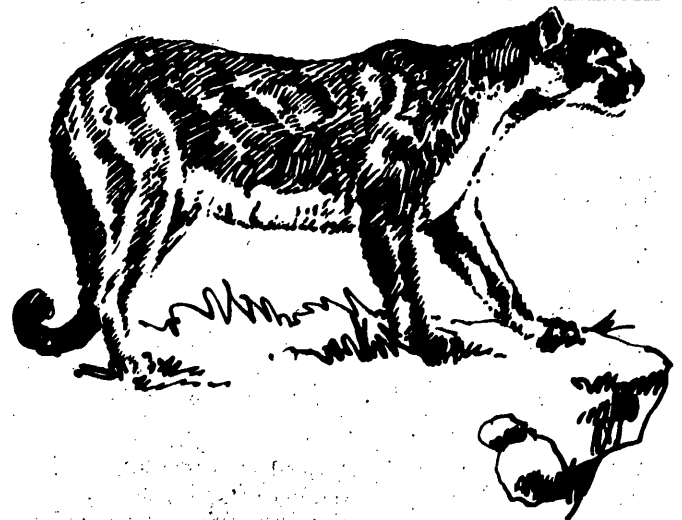
(j) conform in all respects to the code of ethics, the rules and regulations prescribed by the Board of Tax Assessor Examiners and the Assessors Registration and Certification Act.

Issued in Houston, Texas on May 3, 1978.

Doc. No. 784959 Carl S. Smith
Chairman
Tax Assessor Examiners Board

Proposed Date of Adoption: September 4, 1978

For further information, please call (713) 221-5288.



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

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

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

Texas Education Agency Instructional Resources

Guidelines for District Instructional Television Services Planning 226.33.94

The Texas Education Agency has amended Rules 226.33.94.010-.030, the guidelines for district instructional television services planning. Under the amended rules, priorities for service after the first year shall continue to be programming and utilization. The ITV plan must be on file in the district, but need not be submitted with the application for funds. The plan must identify needs, as well as goals, objectives, activities, and evaluation. Editorial changes were also proposed.

The rules are adopted with no change from the text proposed.

These amendments are adopted under the authority of Section 21.915, Texas Education Code.

.010. *Criteria for Eligibility.*

(a) Expenditures of state funds provided through this program should be limited to the three types of services stated in Section 21.915, Texas Education Code:

- (1) programming,
- (2) utilization services,
- (3) development of television programs designed to enhance the district instructional program.

(b) Priorities for services shall be programming and utilization. Individual exceptions shall be allowed only after all applications for priority services have been reviewed and funds are remaining in the annual state appropriation.

(c) Districts receiving funds should own, or have evidence of a commitment to acquire, a minimum of one operational television set per 200 applied-for-ADA.

(d) District applications shall indicate only the number of students who will be served with the funds.

(e) Each district shall have on file an annual ITV services plan at the time of application for funds.

(1) Such plan shall include identified needs, goals, objectives, planned activities, and description of the evaluation process.

(2) District plans will indicate the process whereby ITV programming selection will be accomplished. (Subject matter and curriculum planning groups are recommended.)

(3) Plans will indicate the types of services which are to be provided partially or wholly through use of ITV state funds and the party, unit, or company which will provide the service. ITV services financial budgets will be developed. Management procedures and responsibilities will be defined. No state ITV funds are to be expended by a district to purchase for that district any equipment.

(4) If the district produces its own programming or provides its own distribution system, other equipment such as video recorders/players, studio, and other distribution equipment should be appropriate to facilitate the purpose and objectives of the district instructional TV program.

(5) The district plan will identify the person responsible for administration and coordination of the ITV program and the persons on the ITV Services Committee.

(6) The plan will contain activities and schedules to indicate that development or maintenance of teaching skills with ITV materials is planned.

(7) The plan will outline or explain how evaluation of services will be accomplished and measured against annual program objectives.

.020. *Program and Fiscal Accountability.*

(a) Each district will be responsible for documenting the achievement of the ITV program which furthers the objectives of the district's instructional program and will annually conduct a self-evaluation of the ITV Services Program. The information will be summarized in an annual evaluation report, submitted to the Division of Instructional Resources, TEA, in the format designated by TEA. Such reports will reflect the degree of accomplishment of the major objectives, activities, and other projected events in the district ITV services plan.

(b) Each district will maintain fiscal records of expenditures in accordance with *TEA Accounting/Budget Procedures Manual 679* (Rule 226.42.90.010) (Revenue and Disbursement Code 5814, Subfund 14X).

(c) District fiscal records shall be subject to audit by TEA.

(d) TEA will monitor the ITV Services Programs in funded districts.

(e) The Division of Instructional Resources of TEA may request portions or all of a district's ITV program fiscal records, including contracts, as part of the district's annual evaluation report.

.030. *Needs/Planning.* A process for identifying instructional television needs and determining methods to alleviate these needs includes the following:

(1) Planning for the ITV Services Program at the district level shall be based on identified instructional needs.

(2) Needs for ITV services shall be derived from an instructional needs assessment.

(3) Annual objectives for the ITV Services Program shall be formulated in measurable terms.

(4) District planning for ITV shall be compatible with the state accreditation process.

(5) State accreditation and district self-study shall include consideration of the ITV Services Program as a strategy to support instructional goals.

(6) Local planners shall coordinate long-range goals and objectives of the ITV Services Program with the goals and objectives of the local school district and the State Board of Education.

Issued in Austin, Texas, on July 27, 1978.

Doc. No. 785030 M. L. Brockette
Commissioner of Education

Effective Date: August 18, 1978

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

Railroad Commission of Texas

Transportation Division

Registration of Operations Exempt from ICC Regulation 051.03.20

The Railroad Commission of Texas has adopted Rules 051.03.20.001-.023 with only minor revision in the proposed text. Rule 051.03.20.016 was revised to make reference to insurance requirements found elsewhere in the commission's Motor Transportation Regulations. Rule 051.03.20.022 was revised to remove any ambiguity as to alternate methods of registration. A certificated intrastate motor carrier may use a modified intrastate cab card as evidence of its registration under these rules, in lieu of purchasing stamps and using Uniform Cab Card Form D-1. No comments on the proposed rules were received.

These rules are promulgated under the authority of and pursuant to Articles 911b and 6252-13a, Texas Revised Civil Statutes.

.001. Definitions. The following letters and words, when used in this subchapter of these regulations, shall have the following meanings, unless otherwise clearly apparent from the context:

(a) the letters "ICC" shall mean the Interstate Commerce Commission;

(b) the word "law" shall include constitutional and statutory provisions and rules and regulations adopted by the commission;

(c) the words "motor carrier" shall mean a motor carrier of passengers or property for compensation engaged in interstate or foreign commerce when its operation is exempt from economic regulation by the Interstate Commerce Commission under the Interstate Commerce Act as amended;

(d) the letters "NARUC" shall mean the National Association of Regulatory Utility Commissioners;

(e) the word "state" shall mean the State of Texas;

(f) the word "commission" shall mean the Railroad Commission of Texas; and

(g) the word "vehicle" shall mean a self-propelled or motor-driven vehicle operated by a motor carrier.

.002. Operations within Borders of the State. Whenever the regulations in this subchapter refer to operations "within the borders" of the state, such operations shall be deemed to include interstate or foreign operations to, from, within, or traversing the state.

.003. Registration of Motor Carrier Operations.

(a) Registration required. A motor carrier shall not operate within the borders of the state unless and until there shall have been filed with and approved by the commission an application for the registration of such operation as prescribed by the provisions of this subchapter, and there shall have been compliance with all other requirements of this subchapter. A change in operation shall be reported by the prior filing of a supplemental application.

(b) Form and execution of application. The application for the registration of such operation, and any supplemental application to report any change in operation, shall be in the form set forth in Form A-1, which may be obtained from the commission. The application shall be duly completed and executed by an official of the motor carrier.

(c) Filing of application. The application for the registration of such operation shall be filed in duplicate with the commission. The original shall be retained by the commission. The other copy of the application or an acknowledgement shall be transmitted to the motor carrier when the application is approved by the commission. The application shall be accompanied by a fee of \$25. The fee shall be in the form of a cashier's check or money order made payable to the State Treasurer of Texas.

.004. Designation of Process Agent.

(a) Designation required. A motor carrier shall not operate within the borders of the state unless and until there shall have been filed with and accepted by the commission a currently effective designation of a local agent for service of process.

(b) Filing of designation. The motor carrier shall file such designation of a local agent for service of process with the commission by showing the name and address of such agent on the Uniform Application for Registration of Interstate Motor Carrier Operations Exempt from ICC Regulation, as set forth in Form A-1.

.005. Registration and Identification of Vehicles.

(a) Registration and identification required. A motor carrier shall not operate a vehicle within the borders of the state unless and until the vehicle shall have been registered and identified with the commission in accordance with the provisions of this subchapter, and there shall have been compliance with all other requirements of this subchapter.

(b) Registration and identification.

(1) On or before the 31st day of January of each calendar year, but not earlier than the preceding first day of November, a motor carrier shall apply to the commission for the issuance of an identification stamp or stamps for the registration and identification of the vehicle or vehicles which it intends to operate within the borders of the state during the ensuing year. The motor carrier may apply for a number of stamps sufficient to cover its vehicles which it anticipates will be placed in operation during the period for which the stamps are effective. The motor carrier may thereafter file one or more supplemental applications for additional stamps if the need therefor arises or is anticipated.

(2) If the commission determines that the motor carrier has complied with all applicable provisions of this subchapter, the commission shall issue to the motor carrier the number of identification stamps requested.

(3) An identification stamp issued under the provisions of this subchapter shall be used for the purpose of registering and identifying a vehicle as being operated by a motor carrier, and shall not be used for the purpose of distinguishing between the vehicles operated by the same motor carrier. A motor carrier receiving an identification stamp under the provisions of this subchapter shall not knowingly permit the use of same by any other person or organization.

(4) The motor carrier must accompany its application with a list identifying each vehicle which it intends to operate within the borders of the state during the ensuing year. The motor carrier must keep its equipment list current by filing with it an identification of each vehicle acquired for operation within the borders of the state and each vehicle whose operation is discontinued therein after the filing of such list. The filing of an identification of such newly acquired or discontinued vehicle shall be made with the commission on or before the 15th day after the motor carrier initiates or discontinues operation of the vehicle within the borders of the state.

(5) On or before the 31st day of January of each calendar year, but not earlier than the preceding first day of November, a motor carrier shall apply to the National Association of Regulatory Utility Commissioners for the issuance of a sufficient supply of uniform identification cab cards (Form D-1) for use in connection with the registration and identification of the vehicle or vehicles which it intends to operate within the borders of the state during the ensuing year.

(6) The NARUC shall issue to the motor carrier the number of cab cards requested. A motor carrier receiving a cab card under the provisions of this subchapter shall not knowingly permit the use of same by any other person or organization. Prior to operating a vehicle within the borders of the state during the ensuing year, the motor carrier shall place one identification stamp on the back of a cab card in the square bearing the name of the state in such a manner that the same cannot be removed without defacing it. The motor carrier shall thereupon duly complete and execute the form of certificate printed on the front of the cab card so as to identify itself and such vehicle and shall enter the appropriate expiration date in the space provided below the certificate. The expiration date shall be within a period of 15 months from the date the cab card is executed and shall not be later in time than the expiration date of any identification stamp placed on the back thereof.

(7) The registration and identification of a vehicle under the provisions of this subchapter and the identification stamp or number evidencing same and the cab card prepared therefor shall become void on the first day of February in the succeeding calendar year, unless such registration is terminated prior thereto.

.006. Form and Execution of Application for Identification Stamps. The application for the issuance of identification stamps shall be in the form set forth in Form B-1, which may be obtained from the commission. The application shall be duly completed and executed by an official of the motor carrier and shall be accompanied by the fee of \$11 for each stamp except as modified by reciprocal agreements between Texas and other states and reflected on Form B-1.

.007. Execution of Application for Cab Card. The application for the issuance of cab cards shall be duly executed by an official of the motor carrier and shall be accompanied by a fee as determined by NARUC.

.008. Form of Identification Stamp. Any identification stamp issued under the provisions of this subchapter by the commission shall bear the state's name or symbol and such other distinctive markings or information, if any, as the commission deems appropriate. The stamp shall be in the shape of a square and shall not exceed one inch in diameter.

.009. Form of Cab Card. The cab card, Form D-1, referred to in this subchapter shall be in the form determined by the NARUC. It shall be printed and distributed by the NARUC.

.010. Use of Cab Cards. The cab card shall be maintained in the cab of a vehicle for which it has been prepared whenever the vehicle is operated by the carrier identified on the cab card. The cab card shall not be used for any vehicle except the vehicle for which it was originally prepared. A motor carrier shall not prepare two or more cab cards which are effective for the same vehicle at the same time.

.011. Carrier Name Changes. If a registered carrier desires to change its name, it shall file a name change application with the commission. The application shall be accompanied by a fee of \$10 in the form of a cashier's check or money order made payable to the State Treasurer of Texas. As soon as evidence of liability security in the carrier's new name is filed with the commission, the name change will be entered in the records of the commission and new identification stamps will be issued to the carrier for each of its currently registered vehicles. Upon receipt of the new stamps, a new cab card (Form D-1) shall be prepared for each vehicle using the carrier's new name. All cab cards with the carrier's prior name shall be destroyed.

.012. Inspection of the Cab Card. A cab card shall, upon demand, be presented by the driver to any authorized government personnel for inspection.

.013. Destruction of Cab Cards. Each motor carrier shall destroy a cab card immediately upon its expiration or at the time the carrier discontinues use of a vehicle for which a cab card has been prepared. If a new vehicle is to be substituted for the discontinued vehicle, the same procedures shall apply as for the addition of a new vehicle.

.014. Alteration of Cab Card; Replacement.

(a) Any erasure, improper alteration, or unauthorized use of a cab card shall render it void.

(b) If a cab card is lost, destroyed, mutilated, or becomes illegible, a new cab card may be prepared and new identification stamps or numbers may be issued therefor upon application by the motor carrier and upon payment of the fee prescribed.

.015. Identification. No motor carrier registered solely under the provisions of this subchapter shall be required to display external identification upon a vehicle other than such identification as required to indicate the payment of a state tax or fee imposed for revenue purposes.

.016. Evidence of Liability Security.

(a) When liability insurance certificates or surety bond is required. Every motor carrier shall file and maintain evidence of currently effective bodily injury and property

damage liability security, as required by subchapter .12 (Insurance Requirements) of these regulations, and such motor carrier shall not engage in interstate or foreign commerce within the borders of the state unless and until there shall have been filed with and accepted by the commission of this state a currently effective certificate of insurance or surety bond as prescribed by the provisions of this regulation, and there has been compliance with all other requirements of this subchapter.

(b) Form and execution of liability insurance certificate. The automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the laws of this state and regulations of the commission. The certificate shall be in the form set forth in Form E, which is made a part hereof. The certificate shall be printed on a rectangular card five inches in height and eight inches in width. The certificate shall be duly completed and executed by the insurer and signed by a Texas local recording agent.

(c) Form and execution of liability insurance endorsement. The endorsement referred to in Section (b) of this regulation shall be attached to such insurance policy and shall form a part of it. The endorsement shall be in the form set forth in Form F, which is made a part hereof. The endorsement shall be printed on a rectangular card or sheet of paper five inches in height and eight inches in width. The endorsement shall be duly completed and executed by the insurer.

.017. Notice of Security Cancellation.

(a) Notice of insurance cancellation. An insurer under the provisions of Regulation 051.03.20.016 of this subchapter shall give to the commission notice of the cancellation of motor carrier bodily injury and property damage liability insurance by filing with the commission the form of notice set forth in Form K, which is made a part hereof. The notice shall be printed on a rectangular card five inches in height and eight inches in width. The notice shall be duly completed and executed by the insurer.

(b) Notice of bond cancellation. A surety or motor carrier under the provisions of Regulation 051.03.20.016 of this subchapter shall give to the commission notice of the cancellation of motor carrier bodily injury and property damage liability surety bond by filing with the commission the form of notice set forth in Form L, which is made a part hereof. The notice shall be printed on a rectangular card five inches in height and eight inches in width. The notice shall be duly completed and executed by the surety or motor carrier.

.018. Evidence of Self-Insurance. A motor carrier seeking to qualify as a self-insurer must comply with the requirements of Regulation 051.03.12.002.

.019. Cancellation of Registration. Failure of a motor carrier to maintain continuous insurance or to register equipment annually, as required by this part, will result in cancellation of the carrier's registration.

.020. Forms.

(a) In order to achieve complete uniformity in the reproduction of the Uniform Identification Cab Card, Form D-1, the NARUC shall reproduce and supply an adequate quantity of such form for use under the provisions of this subchapter. No person or organization, other than the NARUC, shall reproduce such form for use under the provi-

sions of this subchapter, and any such form reproduced by such an unauthorized person or organization is hereby declared to be void.

(b) The NARUC, upon request, shall supply such form to the commission and motor carriers. The NARUC shall fix and charge a reasonable fee in connection with the reproduction and supply of such form. The commission shall charge the same fee as charged by the NARUC, if it supplies the form.

(c) Upon request, the commission shall supply all other forms referred to in this subchapter.

.021. Exempt Operations of Carriers Certificated by the ICC. Carriers certificated by the ICC need not register pursuant to the provisions of this subchapter if they are registered pursuant to the provisions of the subchapter of these regulations relating to registration of interstate operating authority (051.03.18.001-.024).

.022. Alternate Method of Registration. A motor carrier which has a Texas Certificate of Public Convenience and Necessity may secure a Texas intrastate cab card reflecting both certificated intrastate operations and exempt commodity interstate operations on or before September 1 of each year under existing provisions for obtaining intrastate cab cards. This cab card, reflecting both intrastate authority and interstate exempt commodity operations, may be used in Texas in lieu of the uniform identification stamp for the period authorized by the cab card.

.023. Existing Exempt Commodity Certificates. The expiration date of an exempt commodity certificate issued by the commission prior to April 24, 1978, is extended from August 31, 1978, to February 1, 1979. The holder of such a certificate, who complies with the vehicle registration and insurance requirements of these regulations, need not register again, pursuant to the provisions of this subchapter, until the expiration of that certificate.

Doc. No. 785042

Office of the Secretary of State

Elections Division

Campaign Reporting and Disclosure

004.30.14

The secretary of state is adopting Rule 004.30.14.600, which adopts by reference the new Campaign Reporting and Disclosure forms prescribed by the Office of the Secretary of State. The forms may be utilized by candidates for public office, public officeholders, campaign treasurers, and political action committees to submit reports on campaign financial activity and other documents required by Chapter 14 of the Texas Election Code. The forms include sworn statements of contributions and expenditures for candidates, officeholders, and political action committees; designations of campaign treasurer for potential candidates and political action committees; and the general purpose political committee's intent to file monthly and statement of dissolution.

This rule is adopted under the authority of Articles 1.03 and 14.13, Vernon's Texas Election Code.

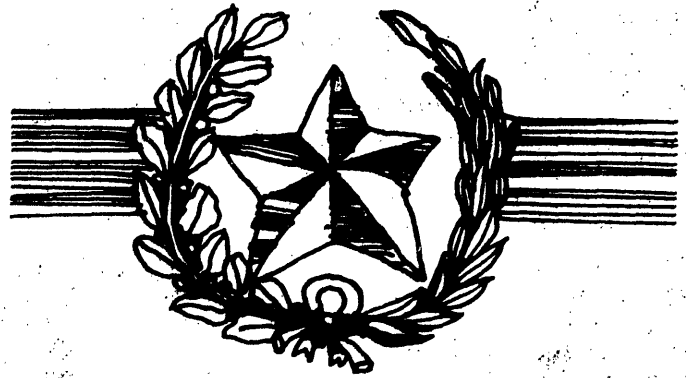
.600. *Campaign Reporting and Disclosure Forms.* The secretary of state adopts by reference the new Campaign Reporting and Disclosure forms prescribed by the Office of the Secretary of State in 1977. These forms are published by and are available from the Office of the Secretary of State, P.O. Box 12887, Capitol Station, Austin, Texas 78711.

Issued in Austin, Texas, on July 26, 1978.

Doc. No. 784999 Steven C. Oaks
 Secretary of State

Effective Date: August 16 1978

For further information, please call (512) 475-3091.



Legislative Report

Beginning the fourth week of the special session, both houses continued consideration of a handfull of bills and resolutions. The Senate did not meet on Friday, July 28; the House continued floor debate on HJR 1. On July 27, the Senate passed a resolution calling for adjournment *sine die* on Tuesday, August 2.

Tax Reform

After being considered in public hearings on July 24, 25, and 27, SB 9 (the Senate proposal for tax reform) was reported favorably substituted from the Senate Jurisprudence Committee on July 27. However, it was defeated on the Senate floor 18 to 9 on July 31. Both bills would reorganize taxation procedures statewide and establish uniform appraisal methods.

HB 37, reported from committee without recommendation for passage, is still awaiting debate on the House floor at the time of this writing.

Property Tax

The House omnibus amendment, HJR 1, is being considered on the House floor at publication time. SJR 14, the Senate omnibus amendment, was passed, sent to the House, and referred to the Constitutional Amendments Committee on July 27. As passed by the Senate, the resolution includes: exemption of intangible personal property from taxation; authority to impose income tax on persons and corporations; exemptions from ad valorem taxation of household goods not held for production of income; provision for separate formulas for appraisal of farm and ranch lands; exemptions from school taxes of \$5,000 of market value of residence homesteads and additional \$10,000 for senior citizens and disabled persons; and a "truth in taxation" provision requiring notice and public hearing regarding tax increases in political subdivisions.

Four more bills and resolutions have been introduced to provide tax relief. HB 48 provides for the imposition of local-option county sales tax and for the payment of the resulting revenues to counties, cities, and school districts. The bill also limits increases in property taxes by governing bodies that receive funds from the new sales tax. HB 49 appropriates \$16 million to the Central Education Agency from the General Revenue Fund for providing tax relief to poor school districts. To qualify for these funds, a school district must be one of 75 districts with the least property wealth according to the Governor's Office of Educational Resources ("Agricultural Tax Value Ranked on Agricultural Value, February 1977").

SJR 15 repeals and prohibits all state ad valorem taxation on any property.

HB 51 contains several provisions dealing with tax relief, including: reimbursement payments to school districts; exemptions of 20 percent (not to exceed \$10,000) of the market value of residence homesteads from school district ad valorem taxation; exemptions of an additional \$10,000 of market value of senior citizens' residence homesteads; and valuation of agricultural land at accepted income capitalization methods applied to average net income of land.

State Income Tax

HJR 53 would prohibit, by constitutional amendment, the imposition of income taxes on individuals.

State Employees' Social Security

SB 10 was reported favorably without amendments from the House Ways and Means Committee on July 27. A vote is expected on the third reading of the bill at the time of this writing. SB 10 was considered in lieu of HB 41, as both bills provide that state payment of state employees' social security deductions is not taxable compensation.

Texas Youth Council Facilities and Funds Transfer

SB 13, transferring certain TYC facilities and funds to the Texas Department of Corrections, was passed by the Senate and referred to the House Social Services Committee, where it was considered in public hearing and reported favorably without amendments on July 27.

Miscellaneous

SB 17, appropriating \$60,000 from the General Revenue Fund to the secretary of state to cover the cost of publication of notice of proposed constitutional amendments to be voted on November 7, was reported favorably from committee without amendments on July 31. SB 18 establishes procedures for arrangement of certain proposed constitutional amendments on the ballot. This bill was considered in public hearing, reported favorably from the Senate Administration Committee, and passed by the full Senate on July 27; it was then reported from the House Elections Committee with substitute on July 28.

HB 54 authorizes the creation, establishment, administration, maintenance, operation, and financing of a Dallam-Hartley Counties Hospital District. HB 55 sets student center fees at West Texas State University. SB 19 makes certain revisions regarding county taxing administration.

Gubernatorial Appointments

Approximately 370 appointees were confirmed by the Senate in executive session on July 27. Additional appointees were considered by the Nominations Subcommittee on July 31.



House of Representatives Bills Introduced

HCR 16 Allred, Donaldson, Sullivant, and Coody—In memory of Bobby Paul Doherty.

HSR 6 J. A. Clark—Commending the W. Robin Isaacs family. (Rules)

HSR 7 Barrientos—Congratulating Asleep at the Wheel. (House Administration)

HSR 8 Rains and Caraway—Creating a special interim committee to study the state ad valorem tax to finance construction of colleges and universities. (Higher Education)

Committee Referrals

HB 48 Jackson, Untermeyer, and Keese—Relating to the imposition, administration, collection, and enforcement of a local option county sales and use tax for the benefit of counties, cities, and school districts; providing property tax limitations for certain taxing authorities receiving revenue from the county sales and use tax. (Ways and Means)

HB 49 W. Hall, et al.—Relating to providing property tax relief for certain poor school districts; and making an appropriation. (Ways and Means)

HB 51 Peveto—Providing for exemptions of certain property from ad valorem taxation for school district purposes; providing alternative procedures for the valuation of open-space land for school ad valorem tax purposes; providing for payments by the state to school districts to reimburse for the revenues lost as a result of granting such exemptions and alternative valuation procedures for open-space land; and providing for administration of the exemptions and alternative valuation procedures and the reimbursement payments by the School Tax Assessment Practices Board. (Ways and Means)

HB 52 Bush—Relating to taxation of personal property. (Ways and Means)

HB 54 Close—Relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District. (Intergovernmental Affairs)

HB 55 Simpson, D. Hill, Close, and Cates—Relating to student center fees at West Texas State University. (Higher Education)

HJR 53 Caraway—Proposing a constitutional amendment to prohibit the imposition of income taxes on individuals. (Constitutional Amendments)

Bill Status

HB 1; Wyatt—Relating to exemptions from the state inheritance tax for certain Class A beneficiaries; relating to the taxation or exemption from taxation of the receipts from the sale, production, distribution, lease or rental of, and the storage, use, or other consumption of gas and electricity for residential use under state and local sales and use taxes. Senate conference committee appointed—July 24.

HB 2 Head—Relating to inheritance taxes. Considered in public hearing—July 11.

HB 3 Hubenak—Relating to the valuation of open-space land used to support the raising of livestock or to produce farm crops or forest products or used by colleges or universities for certain purposes. Considered in public hearing—July 18.

HB 4 Hubenak—Relating to the valuation of open-space land used to support the raising of livestock or produce farm crops or forest products. Considered in public hearing—July 18.

HB 6 Sullivant—Relating to the allocation of state funds and to limitations upon local funds used for the support of public primary and secondary education. Coauthor authorized—July 10.

HB 7 J. Wilson—Relating to exempting from the Limited Sales, Use, and Excise Tax Act the sale, production, distribution, lease or rental of, and the storage, use, or other consumption in this state of gas and electricity. Considered in public hearing—July 11.

HB 8 J. Wilson—Relating to an exemption from the sales and use tax of building materials used in the construction, renovation, and repair of residential housing. Referred to the Ways and Means Committee—July 12.

HB 9 J. Wilson—Relating to removing the three cents per case inspection fee on eggs. Referred to the Ways and Means Committee—July 12.

HB 10 Chavez—Relating to the taxation or exemption from taxation of the receipts from the sale, production, distribution, lease or rental of, and the storage, use, or other consumption of gas and electricity for residential use under state and local sales and use taxes. Considered in hearing—July 11.

HB 11 Orr—Relating to repeal of the state inheritance tax. Referred to the Ways and Means Committee—July 12.

HB 12 Cerverna—Decreasing the rate of the limited sales, excise and use tax to three percent for a three-year period beginning on September 1, 1978. Coauthor authorized—July 12.

HB 13 Sullivant, et al.—Relating to the valuation of open-space land used to support the raising of livestock or to produce farm crops or forest products or used by colleges or universities for certain purposes. Considered in public hearing—July 18.

HB 14 Lewis—Relating to exemptions from state inheritance tax for certain Class A beneficiaries. Referred to the Ways and Means Committee—July 12.

HB 15 Miller—Relating to excluding the amount of certain federal taxes from the sales price of taxable items. Referred to the Ways and Means Committee—July 12.

HB 16 Kubiak—Relating to exemptions from the state inheritance tax for certain Class A beneficiaries. Referred to the Ways and Means Committee—July 12.

HB 17 Kubiak—Relating to the taxation or exemption from taxation of the receipts from the sale, production, distribution, lease or rental of, and the storage, use, or other consumption of gas and electricity for residential use under state and local sales and use taxes. Referred to the Ways and Means Committee—July 12.

HB 18 B. Clark—Relating to restricting increases in property taxes by local taxing units. Referred to Committee on Calendars—July 27.

HB 19 Lauhoff—Relating to the reappraisal of real property by a political subdivision for property tax purposes. Coauthor authorized—July 12.

HB 20 Davis—Relating to a limitation on increases in total property tax revenues by local taxing units. Considered in public hearing—July 19.

HB 21 Tejeda and Madla—Relating to the creation and use of and the distribution and allocations of money from the city streets fund. Referred to the Ways and Means Committee—July 12.

HB 22 Benedict—Relating to a restriction on increases in total property tax revenues by local taxing units. Considered in public hearing—July 19.

HB 23 English—Relating to exempting from the state Sales, Excise, and Use Tax certain energy saving materials and equipment. Referred to Committee on Calendars—July 27. Coauthor authorized—July 28.

HB 24 Bode—Relating to the taxation or exemption from taxation of the receipts from the sale, production, distribution, lease or rental of, and the storage, use, or other consumption of gas and electricity for residential use and other uses under state and local sales and use taxes. Referred to the Ways and Means Committee—July 12.

HB 25 Abbott and Hudson—Relating to exempting from the Limited Sales, Use, and Excise Tax Act the sale, production, distribution, lease or rental of, and the storage, use, or other consumption in this state of gas and electricity. Referred to the Ways and Means Committee—July 12.

HB 28 Wright, Blythe, and Lauhoff—Relating to tax-relief grants to elderly persons who rent their residences. Referred to the Ways and Means Committee—July 12.

HB 29 Nabers, Nugent, Massey, Bock, McBee, Hubenak, Hollowell, Rains, and Sullivan—Relating to the creation and distribution of the School Property Tax Relief Fund. Considered in public hearing—July 25.

HB 30 Bock, Nabers, Nugent, McBee, Massey, Hubenak, and Rains—Relating to the creation of the School Property Tax Relief Fund; providing for the dedication of certain sales tax revenues for the maintenance and operations of local school districts. Coauthor authorized—July 20.

HB 31 Bock, Nabers, Nugent, Rains, Hubenak, Massey, and McBee—Relating to the creation and distribution of the School Property Tax Relief Fund. Coauthor authorized—July 20.

HB 32 Hollowell—Relating to the inheritance tax owed by Class A estates. Referred to the Ways and Means Committee—July 17.

HB 34 Hartung—Decreasing the rate of the limited sales, excise, and use tax to three percent. Coauthor authorized—July 19.

HB 35 Lalor—Relating to deferral of taxes and abatement of tax suits on homesteads of senior citizens and their surviving unmarried spouses. Referred to the Ways and Means Committee—July 17.

HB 37 Peveto and Wieting—Relating to property taxation. Referred to Committee on Calendars and assigned to general state calendar—July 27.

HB 39 Hendricks—Relating to a nonbinding referendum on the question of tax relief for school districts. Referred to Committee on Calendars and assigned to major state calendar—July 25.

HB 40 Donaldson—Relating to transfer of the land, buildings, facilities, and other property of the Gatesville State School for Boys to the Texas Department of Corrections. Referred to Social Services Committee and rules suspended to allow consideration—July 24.

HB 41 Laney—Relating to contributions by state agency from Social Security Trust Fund in order to obtain Federal Old Age and Survivors Insurance coverage for state employees. Senate bill considered in lieu of HB 41 and laid on the table subject to call—July 28. Referred to Committee on Calendars, assigned to general state calendar, and coauthor authorized—July 25.

HB 42 Caraway—Relating to the allocation, transfer, and use of state funds for capital acquisitions and improvements of certain colleges and universities. Referred to Ways and Means Committee—July 26.

HB 43 Bush—Relating to a nonbinding referendum on the question of tax relief for school districts. Referred to Ways and Means Committee—July 26.

HB 44 Bush—Relating to exemption of intangible personal property from ad valorem taxes. Referred to Ways and Means Committee—July 26.

HB 46 Brown—Relating to the exemption of buildings of certain veterans' organizations for taxation. Referred to Ways and Means Committee—July 26.

HB 47 Salinas—Relating to a nonbinding referendum on the question of property tax relief in cities, towns, and villages. Referred to Ways and Means Committee—July 26.

HB 48 Jackson, Untermeyer, and Keese—Relating to the imposition, administration, collection, and enforcement of a local option county sales and use tax for the benefit of counties, cities, and school districts; providing property tax limitations for certain taxing authorities receiving revenue from the county sales and use tax. Referred to Ways and Means Committee—July 27.

HB 49 W. Hall, et al.—Relating to providing property tax relief for certain poor school districts; and making an appropriation. Referred to Ways and Means Committee—July 27.

HB 51 Peveto—Providing for exemptions of certain property from ad valorem taxation for school district purposes; providing alternative procedures for the valuation of open-space land for school ad valorem tax purposes; providing for payments by the state to school districts to reimburse for the revenues lost as a result of granting such exemptions and alternative valuation procedures for open-space land; and providing for administration of the exemptions and alternative valuation procedures and the reimbursement payments by the School Tax Assessment Practices Board. Referred to Ways and Means Committee—July 27.

HB 52 Bush—Relating to taxation of personal property. Referred to Ways and Means Committee—July 28.

HB 54 Close—Relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District. Referred to Intergovernmental Affairs Committee—July 28.

HB 55 Simpson, D. Hill, Close, and Cates—Relating to student center fees at West Texas State University. Referred to Higher Education Committee—July 28.

HJR 1 Von Dohlen—Proposing a constitutional amendment relating to ad valorem taxation of agricultural property, exemptions of certain property from taxation, limitations on increases in total property tax revenues, and limitations on state legislative appropriations and state taxation. Assigned to constitutional amendment calendar—July 25. Passed to third reading as amended—July 28.

HJR 2 McLeod—Proposing a constitutional amendment limiting the power of the legislature to impose taxes. Considered in public hearing—July 17.

HJR 3 McLeod—Proposing a constitutional amendment relating to voter approval of local government debt. Considered in public hearing—July 17.

HJR 4 Hubenak—Proposing a constitutional amendment relating to appraisal of agricultural and timberland for ad valorem tax purposes. Considered in public hearing—July 17.

HJR 5 Sullivan—Proposing a constitutional amendment relating to the appraisal of land for agricultural purposes. Considered in public hearing—July 17.

HJR 6 Smith and Robbins—Proposing a constitutional amendment to reserve in the people the powers of initiative and referendum with respect to the power of taxation by the state or by political subdivisions. Coauthors authorized—July 19.

HJR 7 McLeod—Proposing a constitutional amendment limiting ad valorem taxation and requiring revisions in the administration of ad valorem taxes. Considered in public hearing—July 17.

HJR 8 Smith and Robbins—Proposing a constitutional amendment relating to a method by which the electorate may require the reduction or increase in state taxes. Coauthor authorized—July 19.

HJR 9 Robbins—Proposing a constitutional amendment to limit increases in state and local taxation and expenditures and to provide state payments to political subdivisions to pay the costs of additional responsibilities imposed on them by law. Considered in public hearing—July 17.

HJR 10 Hale—Proposing a constitutional amendment to provide for a basic exemption from all taxation of \$3,000 of the assessed value of all residence homesteads and an exemption of \$6,000 of the assessed taxable value if such residence homestead is owned by a person 65 years of age or older. Considered in public hearing—July 17.

HJR 11 McLeod—Proposing a constitutional amendment requiring revisions in the administration of ad valorem taxes. Referred to Committee on Calendars—July 28.

HJR 12 Ribak—Proposing a constitutional amendment to reserve in the people the powers of initiative and referendum. Considered in public hearing—July 18.

HJR 13 Hubenak—Proposing a constitutional amendment relating to ad valorem taxation of agricultural property and exemptions of certain property from taxation. Referred to Committee on Calendars—July 28.

HJR 14 Willis—Proposing a constitutional amendment relating to the tax exemption on the residential homesteads of elderly persons. Considered in public hearing—July 18.

HJR 15 Nugent—Proposing a constitutional amendment requiring a two-thirds vote in each house of the legislature to adopt a new or additional state tax or to increase the rate of an existing state tax. Considered in public hearing—July 18.

HJR 16 Schlueter—Proposing a constitutional amendment to provide a residential homestead exemption from all property taxes and an additional residential homestead exemption for senior citizens and requiring state payments to local governments to replace reduction in local revenues. Considered in public hearing—July 18.

HJR 17 Schlueter—Proposing a constitutional amendment to repeal the state ad valorem tax for permanent improvements at institutions of higher education. Coauthor authorized—July 27.

HJR 18 Schlueter—Proposing a constitutional amendment restricting the power of the legislature and the political subdivisions of the state to increase taxes. Considered in public hearing—July 18.

HJR 19 Presnal, Bird, and Edwards—Proposing a constitutional amendment authorizing the legislature to provide property tax relief for certain persons who are retired or who are dependent on fixed or limited income. Considered in public hearing—July 18.

HJR 20 Jones—Proposing a constitutional amendment to exempt from ad valorem taxation household goods and personal effects that are not used for production or income and to repeal authorization to levy a poll tax. Referred to Committee on Calendars—July 28.

HJR 21 Jones—Proposing a constitutional amendment relating to certain ad valorem tax exemptions and to appraisal for ad valorem tax purposes of farm, ranch, and timber lands. Considered in public hearing—July 18.

HJR 22 Orr—Proposing a constitutional amendment to prohibit the imposition of any state tax on the net incomes of individuals or corporations unless adopted by a record vote of two-thirds of the membership of each house. Considered in public hearing—July 18.

HJR 23 Davis—Proposing a constitutional amendment to replace the 10-cent state property tax for college construction with a dedicated state higher education assistance fund. Considered in public hearing—July 18.

HJR 24 Sullivant—Proposing a constitutional amendment relating to the definition of the ad valorem tax base and to exemption of certain tangible personal property from taxation. Considered in public hearing—July 18.

HJR 25 R. Green—Proposing a constitutional amendment authorizing the legislature to exempt part of the value of a residence homestead owned by a disabled person. Referred to the Constitutional Amendments Committee—July 17.

HJR 26 Temple, R. Green, Allen, and Whitmire—Proposing a constitutional amendment exempting certain products from retail sales taxes. Referred to the Constitutional Amendments Committee—July 17.

HJR 27 Temple, R. Green, Whitmire, Allen, and Polumbo—Proposing a constitutional amendment to prohibit the imposition of a tax on the net incomes of individuals or corporations. Referred to the Constitutional Amendments Committee—July 17.

HJR 28 J. A. Clark—Proposing a constitutional amendment authorizing political subdivisions to exempt from ad valorem taxation at least \$10,000 of the assessed value of a disabled person's residence homestead. Coauthors authorized—July 20.

HJR 29 Rains, Sutton, and Sullivant—Proposing a constitutional amendment to exempt from ad valorem taxation \$25,000 of the value of certain nonbusiness tangible personal property. Referred to the Constitutional Amendments Committee—July 17.

HJR 30 Bode—Proposing a constitutional amendment to increase the minimum homestead exemption for persons 65 years of age or older. Referred to the Constitutional Amendments—July 17.

HJR 31 J. A. Clark—Proposing a constitutional amendment to exempt from local ad valorem taxes at least \$10,000 of the value of the residence homesteads of disabled persons and of senior citizens. Coauthors authorized—July 20.

HJR 33 Schlueter—Proposing a constitutional amendment relating to the prohibition of a tax on the incomes of individuals or corporations. Referred to the Constitutional Amendments Committee—July 17.

HJR 34 Hale—Proposing a constitutional amendment to authorize the legislature to classify all property for taxation, to define such classes and the components thereof, to impose differing rates between classes, and providing that taxes within each class shall be equal and uniform. Referred to the Constitutional Amendments Committee—July 17.

HJR 35 Washington—Proposing a constitutional amendment to authorize all state senior colleges and universities and professional schools to participate in certain benefits of the Permanent University Fund; and repealing the 10-cent state ad valorem tax for higher education. Referred Constitutional Amendments Committee—July 17.

HJR 36 Henderson, Hartung, Fox, Untermeyer, and Jackson—Proposing a constitutional amendment to eliminate the requirement that personal property be taxed. Referred to the Constitutional Amendments Committee—July 17.

HJR 37 Wright, Blythe, and Lauhoff—Proposing a constitutional amendment to require property tax relief comparable to that available to elderly homeowners for elderly persons who rent their residences. Referred to the Constitutional Amendments Committee—July 17.

HJR 38 Schlueter—Proposing a constitutional amendment to provide an exemption from certain property taxes on at least the first \$10,000 of the assessed value of residential homesteads of persons 65 years of age or older. Referred to the Constitutional Amendments Committee—July 17.

HJR 39 T. Hall—Proposing a constitutional amendment to authorize the legislature to exempt from property taxes vehicles owned by a church or religious organization and used primarily for the transportation of persons to and from religious services. Referred to the Constitutional Amendments Committee—July 17.

HJR 40 Schlueter—Proposing a constitutional amendment to authorize separate appraisal formulas to promote preservation of land devoted to farm, ranch, and forest purposes. Referred to the Constitutional Amendments Committee—July 17.

HJR 41 Collazo and Browder—Proposing a constitutional amendment exempting from taxation the residence homesteads of veterans of the First World War and their unmarried surviving spouses. Reported favorably from committee without amendments—July 25.

HJR 42 Bush—Proposing a constitutional amendment to eliminate the requirement that intangible personal property be taxed. Referred to the Constitutional Amendments Committee—July 17.

HJR 43 Bush—Proposing a constitutional amendment to repeal the requirement that personal property be taxed. Referred to the Constitutional Amendments Committee—July 17.

HJR 44 Untermeyer—Proposing a constitutional amendment to require property tax relief to benefit elderly persons who rent their residences. Referred to the Constitutional Amendments Committee—July 17.

HJR 45 Blanton—Proposing a constitutional amendment to authorize the legislature to permit taxing authorities to exempt from property taxation the residential homestead of a totally disabled person having a fixed or limited income. Coauthor authorized—July 24.

HJR 46, Henderson, et al.—Proposing a constitutional amendment restricting the power of the legislature to increase state taxes in excess of eight percent of the total personal income of the state unless approved by a two-thirds vote of the membership of each house or by referendum. Referred to the Constitutional Amendments Committee—July 19.

HJR 47 Abbott—Proposing a constitutional amendment to increase the maximum permissible amounts of the disabled veterans' exemption. Referred to the Constitutional Amendments Committee—July 19.

HJR 48 Davis—Proposing a constitutional amendment relating to the power of initiative. Referred to the Constitutional Amendments Committee—July 19.

HJR 49 Bock, Rains, Nabers, and Heatly—Proposing a constitutional amendment requiring a two-thirds vote in each house of the legislature to adopt a new or additional state tax or to increase the rate of an existing state tax. Referred to Constitutional Amendments Committee—July 24.

HJR 50 Jones—Proposing a constitutional amendment to eliminate the requirement that intangible personal property be taxed. Referred to Constitutional Amendments Committee—July 24.

HJR 51 Caraway—Proposing a constitutional amendment to establish a fund to finance permanent improvements at certain state institutions of higher education and repealing the state property tax for higher education. Referred to Constitutional Amendments Committee—July 26.

HJR 53 Caraway—Proposing a constitutional amendment to prohibit the imposition of income taxes on individuals. Referred to Constitutional Amendments Committee—July 28.

Weekly Committee Schedule

Meetings Held July 31-August 3, 1978

Appropriations Committee, Monday, July 31, 1978, noon, Subcommittee on Health (Insurance Committee), Monday, July 31, 1978, 12:30 p.m., in the Speakers' Committee Room, State Capitol, to consider health care cost containment.

Joint Committee on Judicial Redistricting, Tuesday, August 1, 1978, 9 a.m., in the Members' Lounge, State Capitol, to discuss judicial redistricting.

Subcommittee on Oversight (Insurance Committee), Tuesday, August 1, 1978, 10 a.m., in the Speakers' Committee Room, State Capitol, to discuss Insurance Board offices and the commissioner's office.

Subcommittee on Reorganization (Health and Welfare Committee), Tuesday, August 1, 1978, 2 p.m., in Room C, Reagan Building, Austin, to receive agency reports.

Subcommittee on Pardons and Paroles (Criminal Jurisprudence Committee), Tuesday, August 1, 1978, 2 p.m., in the Old Supreme Court Room, State Capitol, to conduct oversight hearing pursuant to committee charge relative to administration and operation of the Texas Board of Pardons and Paroles.

Merit System Council Subcommittee (Labor Committee), Wednesday, August 2, 1978, 9 a.m., in the Old Supreme Court Room, State Capitol, to discuss merit system.

Election Code Revision Commission, Wednesday and Thursday, August 2-3, 1978, 9 a.m., in the Old Court of Criminal Appeals (Room 309), State Capitol.

Judicial Affairs Committee, Friday, August 4, 1978, 9 a.m., in the Speaker's Committee Room, State Capitol, to consider municipal courts of record.

Subcommittee on Tourism and Sesquicentennial Subcommittee (Business and Industry Committee), Thursday, August 3, 1978, 10:30 a.m., in the auditorium of the Institute of Texan Cultures, San Antonio, to hear public testimony on tourism.

Senate Bills Introduced

SR 81 Doggett—Memorial resolution for Josleen Lockhart.

SR 82 Doggett—Welcoming Dr. James C. Suggs.

SR 83 Doggett—Memorial resolution for Dr. F. Loren Winship.

SR 84 Doggett—Memorial resolution for Mrs. Joanna Cornell.

SR 85 Doggett—Memorial resolution for Mrs. Jance C. Langford.

Committee Referrals

SB 17 Aikin—Making an appropriation to pay for the cost of publication of notice of proposed constitutional amendments. (Finance)

SB 18 Jones of Harris—Relating to the arrangement on the ballot of certain proposed constitutional amendments. (Administration)

SB 19 Farabee—Relating to county school administration. (Education)

SJR 15 Schwartz and Aikin—Proposing a constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state. (Finance)

Bill Status

SB 1 Lombardino, Williams, Jones of Harris, Brooks, Andujar, Traeger, Mengden, Braecklein, Creighton, Hance, and Kothmann, Truan, and Clower—Relating to exemptions from the state inheritance tax for certain Class A beneficiaries; relating to the taxation or exemption from taxation of the receipts from the sale, production, distribution, lease or rental of, and the storage, use, or other consumption of gas and electricity for residential use under state and local sales and local sales and use taxes. Sent to house and referred to the Ways and Means Committee—July 17.

SB 2 Hance, Williams, Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Ogg, Parker, Patman, Price, Santiesteban, Traeger, and Truan—Relating to exemptions from the state inheritance tax for certain Class A beneficiaries. Sent to house and referred to Ways and Means Committee—July 17.

SB 3 Ogg—Relating to inheritance tax exemptions. Considered in public hearing—July 11.

SB 4 Creighton—Relating to the valuation of open space land used to support the raising of livestock or produce farm crops or forest crops. Referred to House Ways and Means Committee—July 20.

SB 5 Kothmann—Providing an exemption of the sale, production, distribution, lease or rental of, and the storage, use, or other consumption in this state of gas and electricity from the Limited Sales, Use, and Excise Tax Act. Referred to the Finance Committee—July 11.

SB 6 Andujar, Lombardino, Mengden, Price, Traeger—Decreasing the rate of the Limited Sales, Excise, and Use Tax to three percent for a three-year period beginning September 1, 1978. Considered in public hearing and referred to subcommittee—July 17.

SB 7 Andujar—Decreasing the rate of the Limited Sales, Excise, and Use Tax to three percent for a one-year period beginning on September 1, 1978. Referred to the Finance Committee—July 17.

SB 8 Schwartz—Relating to the validation of the acts and proceedings of certain municipalities. Passed in Senate and sent to House—July 26. Referred to House Intergovernmental Affairs Committee, considered in public hearing, and reported favorably without amendments—July 27. Referred to Committee on Calendars—July 28.

SB 9 Jones of Taylor and Farabee—Relating to property taxation. Reported from committee favorably substituted—July 27.

SB 10 Doggett—Relating to contributions by state agency from Social Security Trust Fund in order to obtain Federal Old Age and Survivors Insurance coverage for state employees. Reported favorably from House Ways and Means Committee without amendment—July 27. Passed to third reading—July 28.

SB 11 Kothmann—Relating to the teaching hospital for The University of Texas Medical School at San Antonio. Referred to Education Committee—July 24.

SB 12 Moore—Relating to the sale of certain property by the Texas Board of Corrections and the purchase of new land with proceeds from the sale, or to the exchange of the property for other land. Referred to State Affairs Committee—July 24.

SB 13 Jones of Taylor—Relating to transfer of the land, buildings, facilities, and other property of the Gatesville State School for Boys to the Texas Department of Corrections. Passed by Senate—July 26. Referred to House Social Services Committee, considered in public hearing, and reported favorably without amendments—July 27. Referred to Committee on Calendars—July 27.

SB 14 Meier and Hance—Relating to the creation and distribution of the School Property Tax Relief Fund. Considered in public hearing—July 26.

SB 15 Meier and Hance—Relating to the creation of the School Property Tax Relief fund; providing for the dedication of certain sales tax revenues for the maintenance and operations of local school districts; providing for local ad valorem property tax reductions. Considered in public hearing—July 26.

SB 16 Lombardino—Relating to and granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes. Referred to Education Committee—July 25.

SB 17 Aikin—Making an appropriation to pay for the cost of publication of notice of proposed constitutional amendments. Referred to Finance Committee—July 27.

SB 18 Jones of Harris—Relating to the arrangement on the ballot of certain proposed constitutional amendments. Passed in Senate and referred to House Elections Committee—July 27. Considered in committee meeting, reported from committee as substituted, and referred to Committee on Calendars—July 28.

SB 19 Farabee—Relating to county school administration. Referred to Education Committee—July 27.

SJR 1 Ogg—Proposing constitutional amendment limiting the yearly increase in evaluation of real property. Considered in public hearing and referred to subcommittee—July 19.

SJR 2 Creighton—Proposing a constitutional amendment to authorize separate appraisal formulas to promote preservation of land devoted to farm, ranch, and forest purposes. Sent to the house—July 20.

SJR 3 Kothmann—Proposing a constitutional amendment to repeal the state ad valorem tax for permanent improvements at institutions of higher education. Referred to the Finance Committee—July 12.

SJR 4 Mengden, Price—Proposing a constitutional amendment restricting the power of the legislature and the political subdivisions of the state to increase taxes. Considered in public hearing and referred to subcommittee—July 19.

SJR 5 Mengden, Price—Proposing a constitutional amendment to reserve in the people the powers of initiative and referendum. Coauthor authorized—July 19.

SJR 6 Patman—Proposing a constitutional amendment to authorize separate appraisal formulas to promote preservation of open-space land devoted to farm, ranch, and forest purposes. Referred to the Economic Development Committee—July 12.

SJR 7 Jones of Harris—Proposing a constitutional amendment to repeal the state ad valorem tax for permanent improvements at institutions of higher education. Referred to the Finance Committee—July 12.

SJR 8 Parker—Proposing a constitutional amendment to provide for exemption of certain personal property from taxation. Considered in public hearing and referred to subcommittee—July 19.

SJR 9 Kothmann—Proposing a constitutional amendment to provide an exemption from certain property taxes on at least \$5,000 of the assessed value of residential homesteads of persons 65 years of age or older. Considered in public hearing and referred to subcommittee—July 19.

SJR 10 Jones of Taylor—Proposing a constitutional amendment to repeal mandatory ad valorem taxation of intangible property and to authorize the appraisal of farm or ranch land for ad valorem tax purposes on the basis of the productive potential of the land. Referred to the Economic Development Committee—July 12.

SJR 11 Parker—Proposing a constitutional amendment to provide an exemption from certain property taxes on at least the first \$10,000 of the assessed value of residential homesteads of persons 65 years of age or older, and prohibiting any increase in the assessed value of property eligible for the tax exemption granted herein. Considered in public hearing and referred to subcommittee—July 19.

SJR 12 Jones of Taylor—Proposing a constitutional amendment to eliminate the requirement that intangible personal property be taxed ad valorem and to exempt from ad valorem taxation household goods and personal effects not held or used for production of income. Referred to Jurisprudence Committee—July 20.

SJR 13 Moore—Proposing a constitutional amendment authorizing the legislature to exempt up to \$10,000 of the value of all residence homesteads from school district taxes and requiring exemption from school district taxes of at least \$10,000 of the value of the residence homesteads of the elderly. Referred to Finance Committee—July 24.

SJR 14 Aikin, et al.—Proposing a constitutional amendment relating to ad valorem taxation of agricultural property, exemptions of certain property from taxation, and conditions for increases in total property tax revenues. Passed by Senate, sent to House, and referred to Constitutional Amendments Committee—July 27.

SJR 15 Schwartz and Aikin—Proposing a constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state. Referred to Finance Committee—July 27.

Meetings

Meetings Filed July 28, 1978

Executive and Legislative Budget Offices, Monday, July 31, and Tuesday-Wednesday, August 1-2, 1978, 9 a.m. daily, in the Senate Sergeant-at-Arms Committee Room, to consider requests for the 1980-1981 biennium:

July 31—Commission for the Blind
August 1—General Land Office
August 2—Alcoholic Beverage Commission

Joint Advisory Committee on Educational Services to the Deaf, Friday and Saturday, August 4-5, 1978, 9 a.m., at Region IV Education Service Center, 1750 Seamist, Houston, to hear public testimony.

Legislative Budget Board Executive and Legislative Budget Offices

Joint Budget Hearing Schedule** on Appropriation Requests for the 1980-81 Biennium

August 7-August 11, 1978

Date	Time	Agency	Location
August 7	8:30 a.m.	University of Texas at Austin	UT at Austin, Austin
August 7	1:30 p.m.	University of Texas of the Permian Basin	UT System Offices, 601 Colorado, Austin
August 7	3 p.m.	University of Texas at El Paso	UT System Offices, 601 Colorado, Austin
August 7	4:30 p.m.	The University of Texas System, Available University Fund and County Taxes on University Lands	UT System Offices, 601 Colorado, Austin
August 8	9 a.m.	Public Junior Colleges	Room 100C, Reagan Building, Austin
August 8	1:30 p.m.	West Texas State University	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 8	3:30 p.m.	Panhandle-Plains Historical Museum	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 9	8:30 a.m.	San Antonio State Hospital and State School	San Antonio State Hospital, San Antonio
August 9	9 a.m.	Public Utilities Commission	Room 402, Executive Office Building, 411 West 13th, Austin
August 9	9 a.m.	Texas Education Agency	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 9	1:30 p.m.	School for the Blind and Deaf	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 9	1:30 p.m.	Corpus Christi State School	San Antonio State Hospital, San Antonio
August 9	2 p.m.	Department of Public Safety	Department of Public Safety, Commission Room, DPS Headquarters Building, 5805 North Lamar, Austin
August 10	8:30 a.m.	Kerrville State Hospital	San Antonio State Hospital, San Antonio
August 10	9 a.m.	Secretary of State	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 10	1:30 p.m.	Rio Grande State Center	San Antonio State Hospital, San Antonio
August 10	1:30 p.m.	State Department of Highways and Public Transportation	Room 301, Senate Finance Committee Room, State Capitol, Austin
August 11	9 a.m.	Railroad Commission	Room 301, Senate Finance Committee Room, State Capitol, Austin

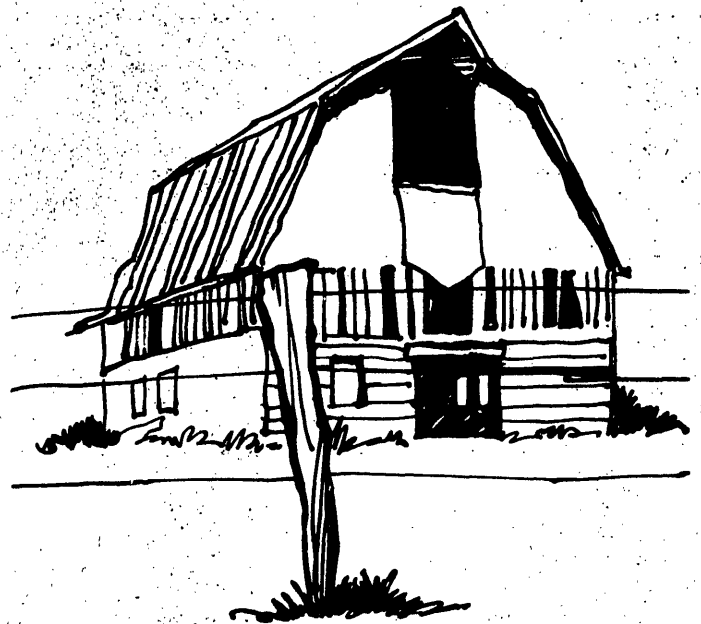
**Note: Please confirm above dates, times, and locations of a hearing before attending in case of rescheduling.

Issued in Austin, Texas, on July 28, 1978.

Doc. No. 785035 James P. Oliver
Assistant Director
Legislative Budget Board

Filed: July 28, 1978, 11:15 a.m.

For further information, please call (512) 475-3426.



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

Texas Air Control Board

Friday, August 11, 1978, 9:30 a.m. The Texas Air Control Board will meet in the auditorium, 8520 Shoal Creek, Austin, to hear reports by the executive director and the hearing examiner; to consider a report on the status of state implementation plan revisions; and to discuss new business.

Additional information may be obtained from John B. Turney, 8520 Shoal Creek, Austin, Texas, telephone (512) 451-5711.

Filed: July 27, 1978, 1:43 p.m.
Doc. No. 785009

Texas Court Reporters Committee

Saturday, August 12, 1978, 10 a.m. The Texas Court Reporters Committee will meet in Room 204, 1414 Colorado, Austin. The summarized agenda includes consideration of a hearing of appeals of applicants denied certification; a report of staff activities; a discussion of budget and financing; arrangement for fall examinations; preparation of certificates; and consideration of possible legislation and rule changes.

Additional information may be obtained from C. Raymond Justice, 1414 Colorado, Austin, Texas 78701, telephone (512) 475-2421.

Filed: July 31, 1978, 9:34 a.m.
Doc. No. 785051

Office of the Governor

Tuesday, August 1, 1978, 9 a.m. The Highway Cost Index Committee of the Office of the Governor held an emergency meeting in the Governor's Reception Room of the State Capitol to consider certification of the amount to be transferred and credited to the State Highway Fund from the Clearance Fund for the 1979 fiscal year. The Highway Cost Index procedures were also presented.

Additional information may be obtained from Dicky Travis, 411 West 13th Street, Austin, Texas 78701.

Filed: July 31, 1978, 9:59 a.m.
Doc. No. 785053

Friday, August 4, 1978, 10 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Governor's Office will meet in the first floor assembly room, 15th and Colorado, Austin, to take action on grant applications and to consider new business.

Additional information may be obtained from Willis Whatley, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-6065.

Filed: July 27, 1978, 1:34 p.m.
Doc. No. 785008

Texas Department of Health

Friday, August 25, 1978, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room, One Butterfield Trail, El Paso, to consider the director's report; to review program activities; and to hear committee reports from the medical committee and consultants.

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

Filed: July 27, 1978, 3:51 p.m.
Doc. No. 785014



Texas Department of Human Resources

Friday, July 28, 1978, 1 p.m. The Texas Board of Human Resources of the Texas Department of Human Resources held an emergency meeting in Room 400, John H. Reagan Building, Austin, to consider interim vendor payment rates for nursing care in the Intermediate Care II and III facilities.

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

Filed: July 28, 1978, 9:01 a.m.
Doc. No. 785018

State Board of Insurance

Tuesday, August 1, 1978, 2 p.m. The State Board of Insurance met in emergency session in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report and the fire marshal's report. Personnel matters will be considered in executive session.

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

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785023

Tuesday, August 8, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report and the fire marshal's report. Personnel matters will be considered in executive session.

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

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785024

Tuesday, August 15, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report and the fire marshal's report. Personnel matters will be considered in executive session.

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

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785025

Tuesday, August 22, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report and the fire marshal's report. Personnel matters will be considered in executive session.

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

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785026

Tuesday, August 29, 1978, 2 p.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider the commissioner's report and the fire marshal's report. Personnel matters will be considered in executive session.

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

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785027

Midwestern State University

Monday, July 31, 1978, 4:30 p.m. The Finance Committee of the Board of Regents of Midwestern State University met in emergency session in Room 108, Hardin Administration Building, Wichita Falls, to review a proposal to Midwestern State University Foundation for a request for funding.

Additional information may be obtained from Carter McGregor, Route 2, Box 142, Wichita Falls, Texas 76301, telephone (817) 723-1363.

Filed: July 31, 1978, 10:18 a.m.
Doc. No. 785054

Tuesday, August 1, 1978, 4:30 p.m. The Finance Committee of the Board of Regents of Midwestern State University met in emergency session in Room 108, Hardin Administration Building, Wichita Falls, to review a proposal to Midwestern State University Foundation for a request for funding.

Additional information may be obtained from Carter McGregor, Route 2, Box 142, Wichita Falls, Texas 76301, telephone (817) 723-1363.

Filed: July 31, 1978, 10:18 a.m.
Doc. No. 785049

State Board of Morticians

Tuesday, August 1, 1978, 9 a.m. The State Board of Morticians held an emergency meeting at 1513 South Interstate 35, Austin, to consider possible legislation pertaining to the Sunset Law and the Federal Trade Commission recommendation; to complete the composition of the funeral directors and embalmers examination to be given September 19-21, 1978; and to hear reports on any new complaints.

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

Filed: July 27, 1978, 4:01 p.m.
Doc. No. 785015

Public Utility Commission of Texas

Monday, August 7, 1978, 2 p.m. The Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek, Austin, for a prehearing in Docket 1841, the application of Liberty City Water Supply Corporation for a rate increase for water utility operations within Gregg County.

Additional information may be obtained from Philip Ricketts, Suite 400N, 7800 Shoal Creek, Austin, Texas 78757, telephone (512) 458-0100.

Filed: July 28, 1978, 10:10 a.m.
Doc. No. 785021

Railroad Commission of Texas

Monday, July 31, 1978, 9 a.m. The Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the E. O. Thompson Building, 10th and Colorado, Austin. The emergency addition was to include consideration of a proposal for acquisition of a revised telephone system to be used in the commission's new facility. This item is being considered on an emergency basis to assure installation of the system by the projected occupancy date.

Additional information may be obtained from Jean Nelson, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: July 28, 1978, 11:12 a.m.
Doc. No. 785040

Monday, July 31, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the E. O. Thompson Building, 10th and Colorado, Austin. The emergency addition was to reconsider a recommendation to cancel Permit to Drill No. 013452, issued to Basin Operating Company for failure to comply with Statewide Rule 36, Wildcat Field, Henderson County. This permit was cancelled by commission action on July 17, 1978, but since that time evidence has been presented which might have prevented such action.

Additional information may be obtained from Bob R. Harris, Jr., P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3003.

Filed: July 28, 1978, 11:12 a.m.
Doc. No. 785041

Monday, July 31, 1978, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas held an emergency meeting in the 10th floor conference room, 10th and Colorado, E. O. Thompson Building, Austin, to consider an interagency contract to conduct a study of surface impoundments for storage treatment of waste water under the commission's jurisdiction. This matter is being considered in an emergency meeting due to the need to effectuate a contract prior to August 1, 1978, in compliance with grant requirements.

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

Filed: July 31, 1978, 11:08 a.m.
Doc. No. 785057

Monday, August 7, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet at the E. O. Thompson Building, 10th and Colorado, Austin, to consider Gas Utilities Dockets 829, 1458, 1459, 1460, and the director's report. Litigation and personnel matters will be discussed in an executive session.

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

Filed: July 28, 1978, 11:13 a.m.
Doc. No. 785037

Monday, August 7, 1978, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in the 10th floor conference room, E. O. Thompson Building, Austin, to consider Gas Utilities Docket 500. The division will discuss rehearing by the commission of the settlement plan as an alternative to the December 12, 1977, order or such other disposition as may be appropriate, and the entry of an order.

Additional information may be obtained from Rex H. White, Jr., P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-4686.

Filed: July 28, 1978, 11:13 a.m.
Doc. No. 785038

Monday, August 7, 1978, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the E. O. Thompson Building, 10th and Colorado, Austin. The summarized agenda includes consideration of various temporary field rules; exceptions to SWR 14(B)(2); MER hearings; proper pluggings; Rule 37 cases; various administrative exceptions to SWR 11; SWR 14(B)(2); new oil and gas field discoveries; and exceptions to SWR 8(C).

Additional information may be obtained from Kathy Howard, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 475-3255.

Filed: July 28, 1978, 11:12 a.m.
Doc. No. 785039

Monday, August 7, 1978, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in the 10th floor conference room, E.O. Thompson Building, Austin, to consider, as summarized, applications to amend, consolidate, divide, lease, reinstate, and sell authority, as well as applications for new authority and for voluntary suspension of authority. In addition, consideration will be given to truck rate applications, bus rates, bus schedule change, rail rates, name change, and group representation.

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

Filed: July 28, 1978, 11:13 a.m.
Doc. No. 785036

Sunset Advisory Commission

Tuesday, August 1, 1978, 2 p.m. The Sunset Advisory Commission held an emergency meeting in Room 309, State Capitol, to hear the presentation of staff reports and to discuss agency proposals. This meeting was rescheduled from 9 a.m. Friday, July 28.

Additional information may be obtained from Bill Well, 704 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: July 28, 1978, 2:12 p.m.

Doc. No. 785046

University of Texas at Austin

Wednesday, August 2, 1978, 10 a.m. The Athletics Council for Men of The University of Texas at Austin met in Belmont 224A, Austin. The summarized agenda includes consideration of affirmation of summer camp budget; Eddie Day, honorees for monuments of honor; graduate assistant manager trainers for all sports; the cheerleader budget; basketball ticket prices and distribution; presidential scholarships; financial report on summer camps; supplementary pay for coaches for summer camps; approval of athletic schedules; budget adjustments for 1977-78; special scholarship fund; donation of 1899 letter sweater and playing jersey; donation to baseball field; and an executive session. A joint meeting of the men's and women's councils met at 1:15 p.m.

Additional information may be obtained from Haila Kauffman, Belmont 224A, Austin, Texas 78712, telephone (512) 471-5757.

Filed: July 27, 1978, 4:35 p.m.

Doc. No. 785017

Teacher Retirement System of Texas

Friday, August 11, 1978, 10 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin, to consider the operating budget for the fiscal year ending August 31, 1979; to estimate the state's contribution of 7.5 percent for 1978-79; to transfer funds from the interest account to the expense account; to consider proposed resolution to establish the rate of interest credited to the Benefit Reserve Fund; and to appoint the Nominating Committee for Board Officers.

Additional information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, telephone (512) 477-9711, extension 201.

Filed: July 28, 1978, 3:19 p.m.

Doc. No. 785050

University of Texas System

Thursday, August 3, 1978, 2 p.m. and Friday, August 4, 1978, 9 a.m. The Board of Regents of The University of Texas System will meet in the Regents' Meeting Room, Ashbel Smith Hall, Austin. The summarized agenda includes

consideration of Building and Grounds Committee and any other items relating thereto; sale of U.T. Austin Bonds: approximately \$6,420,000 building revenue refunding bonds, approximately \$16,630,000 combined fee revenue refunding bonds, approximately \$4,000,000 combined fee revenue obligations bonds, and board of regents \$33,000,000 general tuition revenue refunding bonds and matters relating to each issue; budget items; academic and developmental matters: new degree programs, U.T. Austin student referendum to amend constitution, amendment to U.T. Austin declaration of trust by Board of Operating Trustees of acceptance of gifts, bequests, and estates and establishment of endowed funds; real estate matters; Ima Hogg Foundation and Winedale Stagecoach Inn Foundation matters; amendments to regents' rules and regulations; request to issue combined fee revenue bonds for U.T. Arlington, U.T. Dallas and U.T. El Paso and housing revenue notes for U.T. Arlington; exceptions to regents' rules and regulations; exchange of leases with LCRA; U.T. Dallas—sale of eight acres and granting of three easements to the City of Plano; administrative structure relating to the Institute of Texan Cultures; development board for Tyler Health Center; personnel matters; land acquisition and negotiated contracts; real property on Border Street, Arlington; and the appointment of bond counsel and bond consultant.

Additional information may be obtained from Betty Anne Thedford, P.O. Box N, U.T. Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: July 28, 1978, 1:37 p.m.

Doc. No. 785045

Texas Southern University

Thursday, August 3, 1978, 10 a.m. The Board of Regents of Texas Southern University made an emergency addition to the agenda of a meeting held in Room 117, 3201 Wheeler Avenue, Houston, to include consideration of authorization of the sale of refunding bonds and the creation of an escrow fund for the payment of bonds to be refunded.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler Avenue, Houston, Texas 77004, telephone (713) 529-8911.

Filed: July 28, 1978, 9:49 a.m.

Doc. No. 785020

Texas Water Commission

Monday, August 7, 1978, 10 a.m. The Texas Water Commission will meet at 1700 North Congress, Austin. The summarized agenda includes consideration of applications for district bond issues; release from escrow; reduction of tax rate; use of surplus funds; the examiner's proposal for decision on water quality matters; voluntary cancellation and suspension of water quality permits; amendment to water quality permits; adjudication matters; applications for water rights permits; examiner's proposals for decision on approval of preliminary plans for a reclamation project; an amendment to water rights permits; and setting of hearing dates for applications.

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

Filed: July 28, 1978, 2:58 p.m.

Doc. No. 785048

Regional Agencies

Meetings Filed July 28, 1978

The Angelina and Neches River Authority, Board of Directors, met in the TV Room, Rex Club, Angelina Hotel, Lufkin, on August 3, 1978, at 11 a.m. Further information may be obtained from William A. Elmore, P.O. Box 387, Lufkin, Texas 75901, telephone (713) 632-7795.

The Austin-Travis County MH/IR Center, Personnel Committee, met at 1430 Collier Street, Austin, on August 1, 1978, at noon. The board of trustees met at 6 p.m. in closed session and at 7:30 p.m. Further information may be obtained from Larry J. Miller, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Education Service Center, Region I, Board of Directors, will meet at 1900 West Schunior, Edinburg, on August 15, 1978, at 6 p.m. Further information may be obtained from Charles Benson, 1900 West Schunior, Edinburg, Texas 78539, telephone (512) 383-5611.

Doc. No. 785019

Meetings Filed July 31, 1978

The Brazos Valley MH/IR Center, Board of Trustees, met in the board room, 202 East 27th, Bryan, on August 2, 1978, at 4:30 p.m. Further information may be obtained from Linda S. Davis, 202 East 27th, Bryan, Texas 77801, telephone (713) 779-2000.

The East Texas Council of Governments, Executive Committee, met at Allied Citizen Bank Building, Kilgore, on August 3, 1978, at 7 p.m. Further information may be obtained from Don R. Edmonds, 5th floor, Citizens Bank Building, Kilgore, Texas, telephone (214) 984-8641.

The Panhandle Regional Planning Commission, Emergency Medical Services System, Inc., met at 701 North Main, Hereford, on August 3, 1978, at 7 p.m. Further information may be obtained from Betty O'Rourke, Suite 730, Amarillo Building, Amarillo, Texas 79101, telephone (806) 372-3381.

The Panhandle Regional Planning Commission, Rural Health Initiative Corp., will meet in the Hospitality Room, Farmer's State Bank, Clarendon, on August 7, 1978, at 7:30 p.m. Further information may be obtained from Kenneth Rascoe, Suite 730, Amarillo Building, Amarillo, Texas 79101, telephone (806) 372-3381.

The Trinity River Authority of Texas, Executive Committee, held a conference call in the general manager's office, 2723 Avenue E East, Arlington, on August 2, 1978, at 11 a.m. Further information may be obtained from Geri Elliott, P.O. Box 5768, Arlington, Texas 76011, telephone (817) 461-3151.

Doc. No. 785056

Texas Air Control Board

Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received July 17-21, 1978.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

The following list of construction permit applications were received during the week ending July 21, 1978. Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Union Carbide Corp., Chemicals and Plastics, Texas City; demineralization water unit; 5th Avenue South; C-6709; new source

Dow Chemical U.S.A., Lake Jackson; chlorinated hydrocarbon recovery unit; Brazoria County; C-6707; new source

Dow Chemical Co. U.S.A., Freeport; epoxy resin storage; Brazoria County; C-6708; new source

Globe Union Inc., Garland; lead panel casting facility; 1111 Shiloh Road; C-6710; new source

Jenkins and Jenkins Grain Dryer, Palacios; grain dryer; Matagorda County; C-6711; new source

Harbor Refining Co., Point Comfort; crude oil topping plant; FM 1593, Port Lavaca Refinery; C-6407B; new source

Gold Kist Peanuts, De Leon; peanut shelling plant; Comyn; C-2259B; modification

Pacific Adhesives Co., Inc., Fort Worth; blood drying plant; 3701 N. Grove; C-6690; new source

Marathon Oil Co., Iraan; compressor; Yates Gas Plant; C-6689; new source

Double Circle Co-Op, Lacy-Lakeview; grain storage; 101 Industrial Boulevard; C-4233A; modification

Cameron Iron Works, Inc., Cypress; pipe buffer; 22301 U.S. Highway 290; C-6688; new source

M&M Mars, Division of Mars, Inc., Waco; biscuit processing; 1001 Texas Central Parkway; C-6691; new source

Addicks-Fairbanks Road Sand Co., Houston; pugmill sand stabilizer; 6415 Addicks-Fairbanks; C-6692; new source

Dowell Division Dow Chemical Co., Tye; oil field service facility; Pacific and Market Street; C-6693; new source

South Texas Crematory, Brownsville; crematory; Cameron County; C-6694; new source

Clear Creek Management Corp., Houston; crude storage tank; 2501 Choate Road—Friendswood Refinery; C-6695; new source

Frito-Lay, Inc., Irving; potato chip cooker; 900 North Loop 12; C-6699; new source

Central Manufacturing Co., Tyler; Rendering Plant; N.N.E. Loop 323; C-6696; modification

Western Electric Co., Inc., Mesquite; department 414 freon cleaning facility; 3000 Skyline Drive—Dallas Works; C-6697; new source

Gifford-Hill and Co., Inc., Houston; cement transferring; Fort Bend County; C-2497A; new source

Kent Ready Mix, Inc., Houston; ready mix concrete plant; Brittmore Road; C-4657B; modification

Texas Industries, Inc., Midlothian; finish cement mill; U.S. 67 and Ward Road; C-6698; new source

Dixie Chemical Co., Pasadena; dibasic acid solution preparation; Harris County; C-6703; new source

Atlantic Richfield Co., Houston; TBME storage tank; 12000 Lawndale; C-6702; new source

Martin and Watkins Wood Products, Inc., Huntsville; saw mill; Didlake Road; C-6701; new source

PA Inc., Houston; coupling coating process; Houston; 12100 West Little York Road-Fisher Road Coating; C-6700; new source

Halliburton Services, Caldwell; bulk sand handling plant; Caldwell Industrial Park; C-6704; new source

City of Robstown Utility Systems, Robstown; gas and oil fired diesel-electric power plant; North Fourth Street; C-6705; new source

Texaco, Inc., Port Arthur; cyclohexane plant expansion; Houston Avenue; C-6706; new source

Texaco, Inc., Port Arthur; light olefins unit 2 and related facilities; North End Houston Avenue; C-6712; new source

Shell Chemical Co., Deer Park; millisecond pyrolysis demonstration; Deer Park Manufacturing Complex; C-6713; new source

Rexene Polyolefins Co., Division of Dart Industries, Inc., Odessa; solvent recovery—luwa; South Grandview Avenue; C-6714; new source;

Cities Service Co., Mont Belvieu Plant; inlet liquid amine treating unit; Chambers County; C-3956A; modification

Union Carbide Corp., Chemicals and Plastics, Texas City; olefins unit; Galveston County; C-6715; modification

EC—Construct detached laundry building, acquire new laundry equipment, and convert existing laundry and storage area to activity room

John Buist Chester Hospital, Dallas
AH78-0721-020

EC—Replace 100-bed general acute care hospital to comply with licensing, certification, safety, and health requirement

Lavaca Medical Center Professional Building, Hallesttsville
AO78-0721-023

DR—That neither an EC nor a CN is required to complete interior of one shelled physician's office space

Huguley Memorial Seventh-Day Adventist Medical Center, Fort Worth
AH78-0721-029

DR—That neither an EC nor a CN is required to acquire cardiac catheterization equipment due to pre-act development

Medical Center Hospital, Tyler
AH78-0724-022

EC—Acquire additional surgical instruments and equipment at cost of \$28,665, and make modifications for relocation of outpatient surgical services to another location within the hospital

Timberlawn Psychiatric Hospital, Inc., Dallas
AH78-0724-035

EC—Consolidate and refine existing outpatient clinic services and acquire equipment to organize Timberlawn Headache Clinic for assessment and treatment of headaches

Collin Memorial Hospital, McKinney
AH78-0717-015

EC—Acquire cardiac stress testing equipment

Fort Bend Community Hospital, Sugar Land
AH75-1010-007E

EC—Request one-year extension of beginning construction deadline in EC AH75-1010-007 to replace existing facility

Doc. No. 785043

Notice of Petition for Certificate of Need Reissuance

Notice is given by the Texas Health Facilities Commission of application (including a general project description) for petition of reissuance of certificate of need accepts during the period of July 18-24, 1978.

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

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

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

Pinelan Nursing Home, Lufkin
AN77-0606-001R

CN—Petition for reissuance of CN AN77-0606-001 to construct a 24-bed ICF Type III addition to an existing 36-bed ICF Type III nursing home facility

Issued in Austin, Texas, on July 28, 1978.

Doc. No. 785044 • Dan R. McNery
General Counsel
Texas Health Facilities Commission

Filed: July 28, 1978, 11:36 a.m.

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

Texas Water Development Board

Public Hearing Notice

Municipal Facilities Construction Grant Project Priority List

A hearings examiner of the Texas Department of Water Resources will conduct a public hearing beginning at 9 a.m. September 1, 1978, in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on the Municipal Facilities Construction Grant Project Priority List for fiscal year 1979. This hearing was previously scheduled for August 4, 1978. The Project Priority List is a listing of projects in priority rank order to be considered for funding within the Federal Construction Grant Program. The Project Priority List is developed pursuant to the rules for the Federal Construction Grant Program adopted by the Texas Water Development Board on behalf of the Texas Department of Water Resources, specifically, Subchapter 5 of Chapter 15.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the ranking of the various municipalities throughout the state. In addition, participation in the hearing through written comments to Rebecca S. Motal, hearings examiner, at the address below is encouraged.

A copy of the Municipal Facilities Construction Grant Project Priority List may be obtained from the Construction Grants and Water Quality Planning Division, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, or by telephoning (512) 475-7891 after August 10, 1978. The hearing is being conducted pursuant to Sections 5.131 and 5.132 of the Texas Water Code and Chapter 1 of the rules of the Texas Water Development Board.

Issued in Austin, Texas, on July 27, 1978.

Doc. No. 784992 • Rebecca S. Motal
Hearings Examiner
General Counsel's Office
Texas Water Development Board

Filed: July 26, 1978, 3:17 p.m.

For further information, please call (512) 475-4338.

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LAST NAME

OR

COMPANY, FIRM OR AGENCY

ADDRESS

CITY

STATE

ZIP CODE

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