

TEXAS REGISTER

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AUG 17 1978
TEXAS DEPOSITORY

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Office of the Secretary of State

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NOTES ON THE ISSUE

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

The Registration and Certification Act of the 65th Legislature requires all persons engaged in the valuation of property to register with the Tax Assessor Examiners Board. The board makes an adoption in this issue clarifying the status of persons in decision-making capacities in the handling of valuations.

The Comptroller of Public Accounts proposes an amendment to the Sales Tax Division rule concerning the statute of limitations. The 3rd Court of Civil Appeals held that the limit period in Section 20.06(D)(1) is not repealed by Articles 1.045(A) or (B) (3 TexReg 2201), and this proposal reflects that decision.

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

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The Attorney General

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Requests for Opinions

Summary of Request for Opinion

RQ-1942

Request from Joe K. McGill, county attorney, Gaines County, Seminole.

Summary of Request: May Gaines County, under Article 695a or 4418f, Vernon's Annotated Civil Statutes of Texas, expend funds for all the children within the county in need of day care services?

Doc. No. 785202

Summary of Request for Opinion

RQ-1943

Request from Leslie C. Acker, county attorney, Midland County, Midland.

Summary of Request: Can the City of Midland legally give to the County of Midland a street right-of-way or is such gift prohibited by Article 3, Section 52, of the Texas Constitution?

Doc. No. 785203

Summary of Request for Opinion

RQ-1944

Request from Joe Resweber, county attorney, Harris County, Houston.

Summary of Request:

(1) Can the proceeds from various county bond issues be consolidated into one fund?

(2) Can all the interest and redemption funds created for the payment of interest on, and principal of, the various county bond issues be consolidated into one fund?

(3) Can all the money held by the county pursuant to federal grants be consolidated into one fund?

(4) Can county funds (except interest and redemption funds) derived from the county's ad valorem taxes be consolidated?

(5) Is the county required to maintain a separate bank account in the county depository for each of the various county funds?

(6) Can the proceeds from the various Harris County Flood Control District bond issues be consolidated into one fund?

(7) Is the Harris County Flood Control District required to maintain a separate bank account in the Harris County Flood Control District depository for each of the various Harris County Flood Control District funds?

Doc. No. 785204

Summary of Request for Opinion

RQ-1945

Request from Joe Resweber, county attorney, Harris County, Houston.

Summary of Request:

(1) Should the costs of the actuarial valuation, annual audits, and annual reports of the Harris County Hospital District Pension Plan provided for by Article 6228L, Vernon's Texas Civil Statutes, be paid by the Harris County Hospital District or the Harris County Hospital District Pension Trust?

(2) May the first annual audit and report under Article 6228L be for calendar year 1978 or must it be for a period prior to that?

(3) If the first annual audit and report under Article 6228L must be for a period prior to calendar year 1978, for what period should the audit and report be?

(4) What are the minimum requirements which the governing body of the Harris County Hospital District Pension Trust must meet to comply with the requirement that they "publish" an annual report?

Doc. No. 785205

Summary of Request for Opinion

RQ-1946

Request from Ben F. McDonald, Jr., executive director, Texas Department of Community Affairs, Austin.

Summary of Request: Is the Texas Department of Community Affairs legally empowered to administer and to expend funds for the Housing Assistance Payments Program established by the Housing and Community Development Act of 1974 and regulations promulgated pursuant thereto?

Doc. No. 785230

Summary of Request for Opinion

RQ-1947

Request from Mike Westergren, county attorney, Nueces County, Corpus Christi.

Summary of Request: Does Article 7150f, Vernon's Texas Civil Statutes, which grants a tax exemption to certain items in interstate commerce, extend to crude oil and petroleum products?

Doc. No. 785274

Summary of Request for Opinion

RQ-1948

Request from Ned Price, State Board of Insurance, Austin.

Summary of Request: Are letters of assurance submitted to the commissioner of insurance and indicating voluntary action to be taken by a company public under the Open Records Act?

Doc. No. 785275

Summary of Request for Opinion

RQ-1949

Request from Hal H. Hood, commissioner, Firemen's Pension Commissioner, Austin.

Summary of Request: What departmental employees are eligible to participate in the Firemen's Relief and Retirement Fund?

Doc. No. 785276

Summary of Request for Opinion RQ-1950

Request from Ann Postma Musgrove, county attorney, Childress County, Childress.

Summary of Request:

(1) May the Grievance Committee under Article 3912k, Section 2, Vernon's Texas Civil Statutes, which receives a request for a hearing on a salary increase by less than all of the elected county or precinct officers, consider and recommend a salary increase for all of the county's officers, including those who made no request for a hearing on a salary increase?

(2) Does the Grievance Committee under Article 3912k, Section 2, Vernon's Texas Civil Statutes, which receives a request for a hearing on a salary increase by less than all of the elected county or precinct officers, have authority to consider and recommend a salary increase for the employees of all county officials, including those who made no request for a hearing on a salary increase?

Doc. No. 785277

Summary of Request for Opinion RQ-1951

Request from Oscar B. McInnis, criminal district attorney, Hidalgo County, Edinburg.

Summary of Request:

(1) Are "special road districts" and county-wide drainage districts within the meaning of "improvement districts" under Article 1672, Vernon's Civil Statutes Annotated?

(2) Is the county commissioners court authorized to pay less than \$1,200 set under Article 1672 if there are less than five improvement districts and the auditor is already receiving a maximum salary under Article 1645?

(3) Is the county commissioners court authorized to pay more than the \$1,200 set under Article 1672 when there are more than five improvement districts that it audits and when the auditor is already receiving a maximum salary under Article 1645?

Doc. No. 785278

Opinions

Summary of Opinion H-1217

Request from Charles Herring, general manager, Lower Colorado River Authority, Austin, concerning the authority of LCRA to permit another entity to use part of pipeline and consequences of transaction.

Summary of Opinion: The Lower Colorado River Authority may contract to permit use of a portion of its natural gas pipeline by a private entity. Under the facts given, this transaction would cause LCRA to become a natural gas utility as defined by Section 3(c)(3) of Article 1446c, Vernon's Texas Civil Statutes, and subject to regulation by the Railroad Commission. As a natural gas utility, it could not terminate service without commission approval. Whether the pipeline would become a common carrier is a fact question. The transaction as described would not grant an unconstitutional benefit to a private entity.

Doc. No. 785231

Summary of Opinion H-1218

Request from A. R. Schwartz, chairman, Senate Jurisprudence Committee, Austin, concerning the distribution and use of probation fees.

Summary of Opinion: After September 1, 1978, when the amended version of Article 42.12, Section 10, of the Code of Criminal Procedure becomes effective, probation fees should be distributed to a special fund in the county treasury established pursuant to Article 42.121, Section 4.05(b), of the Code of Criminal Procedure. The probation fees, along with state aid, shall be used to pay salaries and other expenses of probation, including automobile expenses. Counties must provide physical facilities, equipment, and utilities, including telephone service, for probation offices, and may not use probation fees to pay for these expenses. Neither state aid distributed under Article 42.121, Code of Criminal Procedure, nor probation fees may be used to support juvenile probation services. If one probation officer voluntarily serves both juveniles and adult probationers, state aid and probation fees may be used to pay only that portion of his salary attributable to adult probation services.

Doc. No. 785232

Summary of Opinion H-1222

Request from Joe Resweber, county attorney, Harris County, Houston, concerning the fees of civil process servers other than sheriffs or constables.

Summary of Opinion: It is the ministerial duty of the clerk of the district court to file returns of process served by "disinterested persons" authorized to serve process pursuant to Rule 106(e), Texas Rules of Civil Procedure, and to include a fee therefor as an item of the cost bill for the suit. The amount to be taxed is the amount claimed by the person making the return, unless otherwise ordered by the judge.

Doc. No. 785233

Summary of Opinion H-1223

Request from Lee H. Smith, president, Southwest Texas State University, San Marcos, concerning whether college president may participate in university-sponsored continuing education program for a fee.

Summary of Opinion: The president of Southwest Texas State University is not barred from participation in continuing education programs for a fee by Article V, Section 1.g, of the General Appropriations Act, Article 16, Section 40, of the constitution, or Article 6252-9a, Vernon's Texas Civil Statutes. Whether such participation would violate Article 6252-9b, Vernon's Texas Civil Statutes, is a fact question for the regents to resolve.

Doc. No. 785234

Summary of Opinion H-1224

Request from Leonard Prewitt, executive secretary, Teacher Retirement System of Texas, Austin, concerning whether a teacher member of the Board of Trustees of the Teacher Retirement System may continue to serve after retirement.

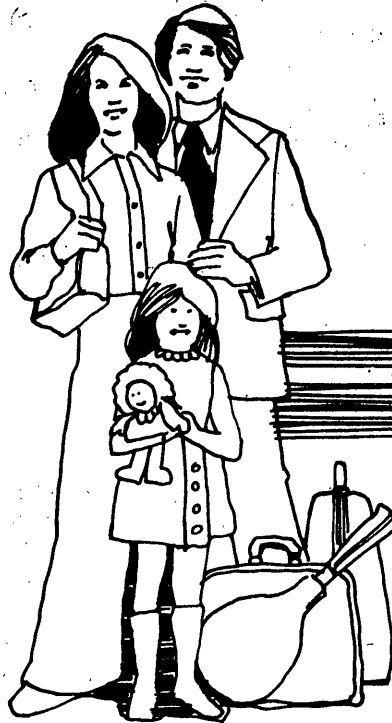
Summary of Opinion: Upon retirement, a teacher member of the Board of Trustees of the Teacher Retirement System vacates his office but continues to serve as trustee until a successor has qualified.

Issued in Austin, Texas, on August 8, 1978.

Doc. No. 785279

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

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



PROPOSED RULES

2848

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

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

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

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

Comptroller of Public Accounts

Central Administration

Office of Manpower Services 026.01.06

(Editor's note: The text of the following rules may be examined in the Office of the Comptroller of Public Accounts, LBJ Building, Austin, or in the Office of the Texas Register, 503E Sam Houston Building, Austin.)

The Comptroller of Public Accounts is proposing to repeal Rules 026.01.06.001-.005, relating to personnel practices of the Comptroller's Office, since Section 21 of the Administrative Procedure Act says that the act does not apply to internal personnel rules of an agency.

There are no fiscal implications from the repeal of these rules (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment on the proposed repeal of Rules 026.01.06.001-.005 is invited. Persons should submit their comments in writing to Ed White, Drawer SS, Austin, Texas 78711.

These repeals are proposed under the authority of Article 6252-13a, Vernon's Civil Statutes.

- .001. *Posting of Job Vacancies.*
- .002. *Fulfillment of Application Requirements.*
- .003. *Fulfillment of Pre-Employment Requirements.*
- .004. *Influences on the Hiring Process.*
- .005. *Information Security and Distribution.*

Doc. No. 785189

Tax Administration

Sales Tax Division—State Taxes

026.02.20.017

The Comptroller of Public Accounts is proposing to amend sales tax Rule 026.02.20.017. The proposed amendment defines "licensed course of instruction." The proposed amendment clarifies the comptroller's position that the flight training exemption extends only to planes purchased and used exclusively by persons enrolled in a licensed course of instruction to fulfill the flight time requirements of the course.

There are no significant fiscal implications expected from the proposed rule (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment on the proposed amendment to Rule 026.02.20.017 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

The amendment is proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A)(1969).

.017. *Carrier (20.04(G), (P), (Q), (S), (B)).*

(a) Definitions. For the purpose of the rule, the following words or terms will have the following meaning:

(1) Common carrier. The term "common carrier" is hereby defined as including only those licensed and certificated carriers of persons or property which hold themselves out as ready and able to serve all persons who choose to employ the facilities of the carrier equally so long as space is available and is distinguished from a contract carrier.

(2) Vessels. The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(3) Component part. The term "component part" is hereby defined to include all tangible personal property which is actually attached to and becomes a part of the device used for carrying. The term does not include furnishings of any kind which are not attached to the device used for carrying nor does it include consumable supplies, for example, it does not include among other things, bedding, linen, table and kitchen ware, tables, chairs, ice for cooling, refrigerants for cooling systems, fuels or lubricants.

(4) Marine cargo containers. Marine cargo containers are component parts of vessels when constructed for "containerships" and when fully or partially enclosed to constitute a compartment intended for containing goods, of a permanent character and, accordingly strong enough to be suitable for repeated use, specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading; and designed for ready handling, particularly when being transferred from one mode of transport to another. The term "marine cargo container" shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and equipment are carried with the container. The term "marine cargo container" shall not include chassis, vehicles, accessories, or spare parts of vehicles.

(5) Licensed and certificated. The term "licensed and certificated carrier" shall mean a carrier which holds a

valid license and/or certificate issued by the Interstate Commerce Commission and/or the Railroad Commission of Texas or any other authorized carrier licensing agency of the State of Texas or the federal government; except that a mere airworthiness certificate or pilot license will not be sufficient to qualify an aircraft as a licensed and certificated carrier.

(6) Rolling stock. The term "rolling stock" means and includes any equipment which is operated on railroad rails.

(7) Aircraft. The term "aircraft" means any powered contrivance designed for navigation in the air except a rocket or missile. It includes all parts and equipment at the time of sale but does not include new additional parts or equipment added at a later date.

(8) Licensed course of instruction. A "licensed course of instruction" is pilot training or instruction conducted by a flight training school which has been certified or granted provisional certification under Federal Aviation Administration Regulations, 14 C.F.R., Section 141 (1974).

(9)(8) Repair services. The term "repair services" provided in Article 20.04(Q), Texas Taxation—General Annotated, includes the repair or replacement parts furnished to restore aircraft to its original condition.

(b)-(c) (No change.)

(d) Aircraft.

(1) Receipts from the sale, use, lease, storage, or other consumption in this state of aircraft sold to a nonresident or foreign government or acquired for use as a licensed or certificated carrier of persons or property are exempted from the limited sales, excise, and use tax.

(2) Repair and replacement parts which are acquired within or outside this state and actually affixed in this state to an aircraft which is a licensed and certificated carrier of persons or property are exempt from the sales and use tax.

(3) Aircraft purchased and used for the exclusive purpose of pilot training in a licensed course of instruction are exempt. *The exemption extends only to aircraft purchased by flight schools for use by persons enrolled in a licensed course of instruction to satisfy the flight time requirements of the course. Nonexempt use of the aircraft will subject the purchaser to liability for the sales tax on the original purchase price.*

(e)-(g) (No change.)

Doc. No. 785190

026.02.20.059

The Comptroller of Public Accounts is proposing to amend Sales Tax Rule 026.02.20.059, relating to the limitation period in which the comptroller may assess and collect delinquent taxes.

The proposed amendment reflects the decision in *Lorenzo Textile Mill, Inc. v. Bullock*, in which the court held that the comptroller has four years to assess and three years to collect delinquent sales and use taxes. The proposed amendment also covers the limitation provisions regarding successor liability, notices of delinquency, and seizure powers. The textual changes are so extensive that the amendment supersedes the current rule.

There are no significant fiscal implications expected from the proposed rule (source: revenue estimating staff, Comptroller of Public Accounts).

Public comment on the proposed amended Rule 026.02.20.059 is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

This rule is proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A)(1969).

.059. Statute of Limitations (20.06(D), 20.09(A), (B), (H), (I), 20.14) [(1.045, 20.09(B), 20.10(B)].

(a) Assessments. The comptroller has four years in which to issue a notice of deficiency or jeopardy determination. Regardless of whether the taxpayer files his returns on a monthly or quarterly basis, this period begins to run from the last day of the calendar month following the quarterly period for which the amount is proposed to be determined or from the date the return is filed, whichever date is later. For the statute of limitations regarding refunds, see Rule 026.02.20.045.

In the case of successor liability, the comptroller has four years in which to issue a notice of deficiency or jeopardy determination to the purchaser of the business or stock of goods. The four-year period in which the comptroller may assess begins to run for the purchaser from the date of the sale to the purchaser or from the date a determination issued to the seller becomes final, whichever event occurs later.

(b) Suit for collection. The comptroller has three years from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, or the last recording of a lien in which to file suit for collection of the taxes, penalties, and interest. If a redetermination hearing is requested, the determination will not become final until a redetermination decision is issued and becomes final.

(c) Notice of delinquency. The comptroller has three years from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, the last recording of a lien, or the redetermination decision becomes final to give notice of delinquency to all persons who have in their possession or under their control any credits or other personal property belonging to the delinquent, or who owe any debts to the delinquent.

(d) Seizure. The comptroller has three years from the date that the deficiency determination becomes due and payable, the jeopardy determination becomes final, or the redetermination decision becomes final to seize any property of the delinquent and sell the property, or a sufficient part of it, at public auction to pay the taxes, penalties, and interest due.

(e) Estoppel. In cases of fraud or misrepresentation, the taxpayer is estopped from asserting the statute of limitations, and the comptroller may assess and collect taxes, penalties, and interest at any time.

(f) Remedies cumulative. The remedies of the state are cumulative and no action taken by the comptroller or the attorney general constitutes an election by the state to pursue any remedy to the exclusion of any other remedy for which provision is made.

[Article 20.06(D)(1) and (2), 20.09(B), statute of limitations provisions, and limitations on refunds are superseded by Article 1.045 which establishes a four-year statute of limitations and provides the following exceptions:

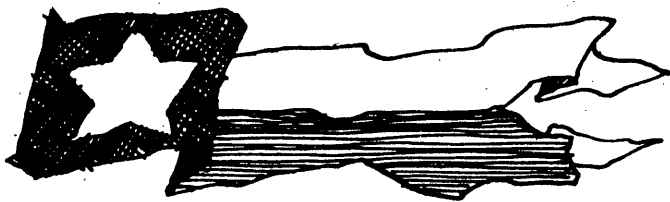
- (1) in the case of a false or fraudulent return with intent to evade the tax; or
- (2) in the case of failure to file a return; or
- (3) in the case of gross error in information reported in a return that would increase the amount of tax payable by 25 percent or more, the tax may be assessed and collected, or a proceeding in any court for the collection of such a tax may be begun without assessment, at any time.]

Issued in Austin, Texas, on August 4, 1978.

Doc. No. 785191 Bob Bullock
Comptroller of Public Accounts

Proposed Date of Adoption: September 15, 1978.

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



Texas Department of Human Resources

Nursing Facility Administration

Mental Retardates in Nursing Homes 326.33.01

The Department of Human Resources proposes to amend Rule 326.33.01.001 about vendor payment for care of mentally retarded individuals in long-term care facilities. Since April of 1975, the Texas Department of Human Resources has, on a case-by-case basis, authorized payments to general nursing care facilities for care provided to certain Title XIX recipients with a primary diagnosis of mental retardation. The purpose of permitting these exceptions to department policy was to develop criteria and standards for the establishment of long-term facilities specifically designed for the care and treatment of the mentally retarded.

During this three-year period, considerable information has been collected and additional changes to federal regulations have occurred. The department has developed standards of participation for ICF-MR facilities and levels of care for primary diagnoses of mental retardation are being assigned to recipients. Licensing and certification standards have been implemented and several facilities have received approval to provide ICF-MR care.

The experience gained in providing care for mentally retarded individuals in nursing facilities has made it clear that these patients have specialized needs which can best be met in facilities certified to provide care for the mentally retarded. In recognition of these needs, the department is no longer authorizing payments for care of the mentally retarded in regular nursing facilities. Consequently, a program will soon begin to relocate mentally retarded recipients currently residing in regular nursing facilities into ICF-MR facilities. Patient Care Unit staff of the Texas Department of Health will implement the relocation program by reviewing and evaluating patient-recipients' medical records. When it is determined that a patient-recipient's predominant need for care is based on mental retardation, an ICF-MR level of care will be established and plans initiated to accomplish the relocation. Activities will include coordination with the recipient's family or legal guardian, location of an ICF-MR facility or state school near the recipient's home, communication with social service agencies, and coordination with staff of the nursing facility from which the recipient is being transferred. Relocation should be accomplished within one year although an extension may be granted by the Patient Care Unit.

Any exception to these policies about payments for care or relocation must be approved by the commissioner of the Texas Department of Health or by the deputy commissioner for Medical Programs, Texas Department of Human Resources.

The department has determined that the cost of implementing the proposed amendment, as appropriated by the 65th Legislature, not including federal matching funds, will be approximately \$4,744 for fiscal year 1978 and \$10,060 for fiscal year 1979. Budget recommendations for the following years are: \$10,661 for fiscal year 1980; \$11,302 for fiscal year 1981; and \$11,979 for fiscal year 1982. The proposed amendment has no fiscal implications for units of local government. The estimated additional funding is required to transfer MR patients now in the ICF program into ICF-MR facilities.

This proposal constitutes a revision to the proposal that was published in the May 16, 1978, issue of the *Texas Register* (3 TexReg 1736).

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—359, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

The following amendment is proposed under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes.

.001. Admission to Proprietary Nursing Care Facility. Payment for long-term nursing care of recipients [Individuals] who have a primary diagnosis of mental retardation will be made only to [and who are not going into] specialized long-term [nursing] care facilities which have been approved to provide ICF-MR care [may be admitted on a selective basis to proprietary nursing care facilities]. However, payment can be authorized for care provided to mentally retarded individuals admitted to nursing facilities which have not been certified as an ICF-MR facility or separate distinct part, but such authorization must be handled on an exception basis and approved by the commissioner of the Texas Department of Health or the deputy commis-

sioner for Medical Programs of the Department of Human Resources. Without this executive authorization vendor payment will be disallowed. [Before such admissions can be approved, it will be necessary to have the approval of the medical assistance unit director, without which, vendor nursing payment will be disallowed. Mental retardates admitted to nursing facilities which have not been certified as an ICF-MR facility or separate distinct part must be handled on an exception basis, *i.e.*, be reviewed by appropriate medical assistance unit staff and approved on an individual patient basis by the medical assistance unit director.] It is anticipated that such exceptions will be rare.

Doc. No. 785264

Intake and Eligibility

Eligibility 326.52.22

The Department of Human Resources proposes to amend its rules regarding eligibility for social services. The amendments will incorporate the concept of the Community Care for the Aged, Blind, and Disabled worker as case manager responsible for eligibility determination. They also include the prohibition of discrimination on the basis of handicap in the provision of social services by department staff. These amendments supplement other rule amendments and repeals which were published in the June 30, 1978, issue of the *Texas Register* (3 TexReg 2220).

As determined by department staff, these amendments contain no programmatic changes and will have no fiscal implications for the state or for local units of government.

Written comments are invited and may be sent to Susan L. Johnson, assistant chief, Systems and Procedures Bureau—285, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this *Register*.

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

.003. *Rights and Responsibilities of Individuals Applying for Services.*

(a) (No change.)

(b) Applicants shall be informed of the following:

(1) (No change.)

(2) Nondiscrimination. In accord with the Civil Rights Act of 1964, there shall be no discrimination on the basis of race, color, national origin, or handicap in regard to receiving social services.

(3)-(7) (No change.)

.006. *Authorization.*

(a) For a child protective services client where need for protective services has been documented by department staff, authorization for contract services without regard to income must be made on the Eligibility for Services without Regard to Income form which is given to the contract provider agency by the child protective services worker. Services without regard to income delivered to child protective services clients by contract provider agencies may not be initiated prior to receipt of this authorization.

(b) Reauthorization by completion of a new form must take place at intervals appropriate for the particular service [every six months] if services are to continue.

.007. *Redetermination.*

(a)-(b) (No change.)

(c) For adult protective services, [either] the direct delivery staff *redetermines* [or the contract provider agency staff will redetermine] eligibility on a six-month basis.

(d) (No change.)

.008. *Determination of Eligibility for AFDC, SSI, or Income-Eligible Individuals.*

(a) For services other than information and referral services or protective services for children or adults, the determination of eligibility requires a decision based on a dated and signed application containing sufficient information to lead a reasonable person to conclude that the applicant or recipient is eligible for social services.

(b) Such eligibility determination shall be made by department social services staff for individuals receiving services directly from the department (including services delivered under individual provider agreement) and for individuals receiving CCABD services from a contract provider agency or by contract provider agency staff for individuals receiving services, other than CCABD, purchased by the department under a purchase of services contract. When an individual is receiving services from both the department and one or more contract provider agencies, the eligibility determination must be made individually by the department and each agency. For services purchased under individual provider agreement, eligibility determinations are made by department staff.

.009. *Application for Social Services.*

(a) Each individual wishing to apply for social services is ensured the opportunity to do so without delay. An application may be made directly to the department or to an agency providing social services funded under Title XX through contract with the department. *In the Community Care for Aged, Blind, and Disabled Adults (CCABD) program, when an individual applies for CCABD services from a contract provider agency, the agency refers the applicant to the local DHR office. The department does the intake, including eligibility determination, assessment, and registration.*

(b)-(c) (No change.)

(d) Prompt decision on application.

(1) (No change.)

(2) *In the CCABD program, the department is responsible for the determination, notification, and redetermination of eligibility. Department staff determines eligibility by use of the Application and Eligibility Certification for Social Services form. DHR staff forwards a copy of this form to the contract provider agency when an individual is referred for services. The contract provider agency must have this form to document that the individual is eligible to receive services. Contract provider agencies are subject to audit exceptions for services provided to individuals who do not have these forms.*

.012. *Eligibility Verification for Income-Eligible Individuals.*

(a) When social services are requested by individuals on the basis of having a gross monthly income equal to or less than the prescribed percentage of the state's median income as adjusted for family size, [(53 percent for family planning services or 60 percent for any other social service),] the

eligibility is based upon the number of family members and their income.

(b)-(e) (No change.)

.023. Individuals Eligible for Social Services.

(a) (No change.)

(b) Individuals eligible by income status. An individual is eligible for social services if the individual's family's monthly gross income is equal to or less than a prescribed percentage of the state's median income for a family of four adjusted for family size. *The prescribed percentage is published annually* [percentages for eligibility as specified] in the Catalogue of Services in the CASPP [are as follows].

(1) Family planning services. All individuals with a monthly gross income equal to or less than 53 percent of the state's median income adjusted for family size are eligible for family planning services. Such individuals include recipients of MAO who meet these income guidelines.

(2) All other services. All individuals with a monthly gross income equal to or less than 60 percent of the state's median income adjusted for family size, including MAO recipients who meet these income guidelines, are eligible for all other services.

Individuals who meet *these* [the income] guidelines [outlined in (1) and (2) above] are referred to as income eligibles *or as MAO income eligibles*.

(c) Individuals eligible without regard to income. In addition to recipients of AFDC or SSI or income-eligible individuals, all other individuals who need information and referral services or protective services for children or adults may receive such services without regard to income.

Doc. No. 785265

Legal Services

Hearing Procedure 326.79.14

The Department of Human Resources proposes to amend Rule 326.79.14.002 about fair hearing proceedings in its Legal Services rules. The amendment to Section (a)(1) states that requests to examine evidence prior to a fair hearing may be either written or oral. The amendment to Section (g) mandates, under certain circumstances, that the caseworker who rendered the decision be present at the fair hearing.

The department has determined that the cost of implementing the proposed amendments, as appropriated by the 65th Legislature, will be approximately \$3,300 for the remainder of fiscal year 1978 and \$44,500 for fiscal year 1979. Budget recommendations for the following years are: \$55,000 for fiscal year 1980; \$56,000 for fiscal year 1981; and \$60,500 for fiscal year 1982. There are no fiscal implications for units of local government.

Written comments are invited and may be sent to Susan Johnson, assistant chief, Systems and Procedures Bureau—308, Department of Human Resources, John H. Reagan Building, Austin, Texas 78701, within 30 days of publication in this Register.

The following amendments are proposed under the authority of Article 695c, Texas Revised Civil Statutes.

.002. Hearing Proceedings.

(a) The appellant or the appellant's representative will have the opportunity:

(1) to examine evidence to be used in the hearing prior to the hearing when a request is made *either orally or in writing to the hearing officer*. The request may be oral in food stamp cases, but must be written in all other cases;

(2)-(8) (No change.)

(b)-(f) (No change.)

(g) *At the request of the appellant or the appellant's representative, or whenever the hearing officer determines it necessary*, [It is not necessary for] the worker, technician, contract manager, or contract agency staff who made the decision *must* [to] be present at the hearing [unless the hearing officer has determined that his or her presence is necessary]. If it becomes apparent during the hearing that the presence of the worker, technician, or contract staff is necessary, the hearing officer may recess the hearing and call in that person.

(h)-(j) (No change.)

Issued in Austin, Texas, on August 8, 1978.

Doc. No. 785266

Jerome Chapman
Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: September 15, 1978

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

Texas Water Development Board

Financial Programs

Policy Declarations 156.09.10

The general counsel of the Texas Department of Water Resources is proposing to amend Rule 156.09.10.001, entitled "Administrative Policies." The proposal amends Section (d) of the rule, concerning the provision that junior lien revenue bonds are callable at any time at par plus accrued interest, and the provision that principle and interest payment dates shall be on January 1 and/or July 10 by providing that junior lien revenue bonds may be made callable at any time at par plus accrued interest, and that January 10 and/or July 10 shall be the payment dates except in those instances where prohibited by existing bond resolutions and in those instances where it is determined by the development fund manager that it is advantageous to use another date.

The rationale for the amendment is that in certain instances it may be preferable to restrict the callability of junior lien revenue bonds, and in certain instances it may be preferable to provide for different payment dates from those previously provided for in the rules. The effect would be to provide the development fund manager with greater flexibility in structuring a transaction.

The general counsel of the department has determined that the proposed amendment of the rule will have no fiscal impact to the state or units of local government. No local units of government have been consulted in this estimate.

However, the amended rule is essentially the same as the previous rule covering this area, with alterations primarily for purposes of providing the development fund manager greater flexibility in structuring transactions.

Public comment on the proposed amendment to Rule 159.09.10.001 is invited. Persons should submit their comments in writing to Bruce Bigelow, general counsel, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

This amendment is proposed under the authority of Sections 5.131 and 5.132, Texas Water Code.

001. Administrative Policies.

(a)-(c) (No change.)

(d) Requirements as to maturities. Bonds purchased by the board may have a final maturity up to applicant's legal limit. Maturities should be arranged to create a schedule of debt service requirements which is reasonably uniform over the life of the issue. However, where warranted, principal maturities may be arranged to accommodate reasonably expected future growth in payment ability; or, under certain conditions, term bonds may be acceptable. Bonds may be

made callable at par at the option of the issuer on any interest payment date on and after 20 years from the date of issuance, and any earlier call date may require the payment of a premium of not less than one half of one percent for each 12 months from date of such call to the date at which the bonds are callable at par. Junior lien revenue bonds *may be made* [are] callable at any time at par plus accrued interest. Principle of all bonds offered to the board shall mature January 10 and/or July 10, and interest payment dates shall be January 10 and July 10, except in those instances where prohibited by existing bond resolutions *or in those instances where the development fund manager determines that the use of other dates is advantageous to the development fund.*

(e)-(r) (No change.)

Issued in Austin, Texas, on June 20, 1978.

Doc. No. 785286

Bruce Bigelow
General Counsel
Texas Department of Water Resources

Proposed Date of Adoption: September 15, 1978

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

ADOPTED RULES

2854

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.

Comptroller of Public Accounts

Tax Administration

Motor Vehicle Sales and Use Tax Division 026.02.06

Under the authority of Texas Taxation—General Annotated, Article 6.02 (1969), the Comptroller of Public Accounts has adopted Rule 026.02.06.028 to read as follows:

.028. Motor Vehicles Rented in Texas. A motor vehicle is "rented in Texas" when the vehicle is delivered to the renter in Texas regardless of the location of the rental agency. A motor vehicle is not "rented in Texas" if the vehicle is delivered to the renter outside the State of Texas or to a common carrier for transportation to the renter outside of Texas.

(1) When a motor vehicle is rented in Texas, all of the rental receipts are subject to the Texas motor vehicle gross rental receipts tax. If a person who rents a motor vehicle in Texas subsequently moves the vehicle to another state and pays a legitimately imposed rental receipts tax or sales and use tax, he may claim a credit in the amount of the tax paid to the other state against any Texas motor vehicle gross rental receipts tax due after payment of the tax to the other state.

(2) If a motor vehicle is not rented in Texas, the gross rental receipts from the rental are not subject to the Texas motor vehicle gross rental receipts tax.

Issued in Austin, Texas, on August 4, 1978.

Doc. No. 785188 Bob Bullock
Comptroller of Public Accounts

Effective Date: August 25, 1978

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

Texas Department of Health Water Hygiene

Public Water Systems 301.83.12

(Editor's note: The following rules are being published in two segments because of their length. The first segment appeared in the issue of August 11; the remainder follows. The effective date for all of these rules is September 1, 1978.)

.005. Water Distribution.

(a) **Design and standards.** All potable water distribution systems, including pump stations, mains, ground and elevated storage, shall be designed, installed, and constructed in accordance with current AWWA standards (refer to Rule .001, Glossary of Terms), with reference to materials used and construction procedures to be followed. In the absence of AWWA standards, departmental policy may be established based upon ASTM (refer to Rule .001, Glossary of Terms), commercial, and other recognized standards. All plastic pipe proposed for use in public water systems must bear the National Sanitation Foundation Seal of Approval (refer to Rule .001, Glossary of Terms) and have an NSF design rating of at least 150 psi or a standard dimension ratio of 26. No pipe which has been used for any purpose other than the conveyance of drinking water shall be accepted and relocated for use in any public drinking water supply.

(b) **Pressures.** All water distribution systems shall be designed and constructed so as to provide at all times a minimum residual pressure of 20 pounds per square inch under any and all conditions of demands that can be placed on the system. Under normal operating conditions, minimum pressures should be not less than 35 psi.

(1) Where the topography of the area to be served is such that air locks in the lines may occur, air release devices shall be installed in such a manner as to preclude the possibility of submergence or possible entrance of contamination.

(2) Where distribution system conditions are such that it is necessary to provide more than one pressure plane or where distribution system conditions and demands are such that low pressures develop, the method of providing increased pressure shall preferably be by means of booster pumps taking suction from storage reservoirs. Planning material for booster pumps taking suction from other than a storage reservoir shall contain a full description of the supply to the point of suction, maximum demands on this part of the system, location of pressure recorders, safety controls, and other pertinent information for the review. Where booster pumps are installed to take suction directly from the distribution system, a minimum residual pressure of 20 pounds per square inch must be maintained on the suction line at all times. Such installations must be equipped with automatic pressure cut-off devices so that the pumping units become inoperative at a suction pressure of less than 20 psi. In addition, a continuous pressure recording device may be required at a predetermined suspected critical pressure point on the suction line in order to record the hydraulic conditions in the line at all times. Should such a record indicate critical minimum pressures (less than 30 psi), then adequate storage facilities are to be installed with the booster pumps taking suction therefrom. Fire pumps used to maintain pressure on

automatic sprinkler systems for fire protection purposes only are not considered as in-line booster pumps.

(3) Metering for community-type public water systems. Accurate metering devices shall be provided at each service connection for the accumulation of water usage data at each service outlet. Systems with an ultimate development potential of 15 connections or less where no direct charge is made for the water shall be excused from this requirement.

(4) Valves and blowoffs. The system shall be provided with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service over any considerable area and for the purpose of flushing the system when required.

(5) Circulation and flush valves. The system shall be designed so as to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping.

(A) Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged with a view to connecting them ultimately so as to provide circulation.

(B) All water lines less than two inches in diameter in a distribution system shall normally be considered as service lines. Flush valves will not be required where such a line deadends if a customer service is at the end, unless in a particular case, such a device is needed to maintain water quality.

(c) Locations of mains.

(1) When new water mains and new sanitary sewers are installed, they shall be installed no closer to each other than nine feet in all directions and parallel lines must be installed in separate trenches. Where the nine-foot separation distance cannot be achieved, the following procedures shall be used.

(A) Where a new sanitary sewer force main parallels the water main, the sanitary sewer shall be constructed of cast iron, ductile iron, or PVC pipe meeting AWWA specifications, having a minimum working pressure rating of 150 psi or greater, and equipped with pressure-type joints. The water main and sanitary sewer shall be separated by a minimum vertical distance of two feet and a minimum horizontal distance of four feet, measured between the nearest outside diameters of the pipes, and the water main shall be located above the sewer.

(B) Where a new gravity sanitary sewer parallels a new water main, the sanitary sewer shall be constructed of cast iron, ductile iron, or PVC pipe meeting AWWA specifications or having NSF approval for use as potable water pipe, with a pressure rating for both the pipe and the joints of greater than or equal to 100 psi. The new water line may be placed no closer than two feet vertically and four feet horizontally from the sewer, with the separation distances measured between the nearest outside pipe diameters. The water main shall be installed at a higher elevation than the sanitary sewer.

(C) Where a new sanitary sewer crosses the water main and that portion of the sewer within nine feet of the water is constructed as described in Rule .005(c)(1)(B), the water line may be placed no closer than six inches from the sewer. The separation distance must be measured between the nearest outside pipe diameters. The water line shall be

located at a higher elevation than the sewer wherever possible and one length of the sewer pipe must be centered on the water line.

(D) Where a new sanitary sewer crosses under the water main and the sanitary sewer is constructed of ABS truss pipe, similar rigid plastic composite pipe, clay, or concrete pipe with gasketed joints, the water main shall be placed no closer to the sewer than two feet, measured between the nearest outside diameters, provided the initial backfill zone of the sewer trench is backfilled with well-mixed cement-stabilized sand (two or more bags of cement per cubic yard of sand) in the initial backfill zone of the trench, for all sections of sewer within nine feet of the water line. The initial backfill zone of the trench is defined as extending from a point one-fourth pipe diameter above the bottom of the pipe to an elevation in the trench which is one pipe diameter (but not less than 12 inches) above the top of the sewer pipe. As an alternative to the above backfill method, ductile iron, cast iron, or PVC pressure pipe, as defined in Rule .005(c)(1)(A), may be used to replace the clay or concrete pipe, wherever the sewer is located closer than nine feet to the water line (measured between the nearest outside diameters). If a replacement pipe is used, the pipe shall be centered on the water line, and the special backfill procedure may be omitted.

(E) Where a new gravity sanitary sewer constructed of concrete or clay pipe with gasketed joints crosses over a water main, or in all instances where concrete or clay pipe without gasketed joints crosses over or under a water main, all sewer pipe within nine feet of the water main must be replaced with cast iron, ductile iron, or PVC pipe as described in Rule .005(c)(1)(B), using appropriate adaptors.

(2) Where water lines are installed in areas which have existing sanitary sewers, every effort should be made to maintain nine feet of separation between the outside pipe diameters of the two lines. Where this separation cannot be achieved because of local conditions, which must be fully documented in any planning material submitted, the following spacings shall be observed.

(A) Where a new water line is to cross or be installed in parallel with an existing sanitary sewer, and the sewer is constructed as described in Rule .005(c)(1)(A) or Rule .005(c)(1)(B), the separation distances specified in those rules shall apply as though the sewer were new.

(B) Where a new water line is to be installed in parallel with an existing clay or concrete gravity sewer showing no evidence of leakage and the water line is installed above the sewer a minimum of two feet vertically and four feet horizontally, the sanitary sewer need not be disturbed. Should excavation for the water line produce evidence that the sewer is leaking, then the sewer must be repaired.

(C) Where a new water main is to cross an existing clay or concrete gravity sewer showing no evidence of leakage, the sewer need not be disturbed solely to apply special backfill if the water line is to be installed at least 24 inches above the existing sewer. A full joint of the water line should be centered over the sewer crossing, in this case, so as to provide maximum protection against contamination.

(D) Existing clay or concrete sewer pipe which, because of physical limitations, must remain at a higher elevation than a proposed intersecting water line may remain undisturbed if the water line is inserted in a joint of pressure-type carrier pipe at least 18 feet long and two nominal sizes

larger than the water line. The carrier pipe should be centered on the sewer line crossing and both ends sealed with cement grout. In lieu of this procedure, that portion of the sewer within nine feet of the water line may be replaced with cast iron or ductile iron pipe with water tight joints such as described in Rule .005(c)(1)(A) above.

(3) Unless sanitary sewer manholes and the connecting sewer can be made completely water tight and tested for no leakage, they must be installed so as to provide a minimum of nine feet of horizontal clearance from an existing or proposed water line. Encasement of the water line in a carrier pipe as described in Rule .005(c)(2)(D) above may be approved in special cases if completely justified and prior approval has been obtained from this department.

(4) Fire hydrants shall not be installed within nine feet vertically or horizontally of any sanitary sewer regardless of construction.

(5) No physical connection shall be made between a drinking water supply, public or private, and a sewer or any appurtenance. Any facilities for permitting discharge of drinking water into the sewer or any appurtenance thereof shall be constructed so as to prevent any possibility of sewage entering the drinking water system.

(6) No sewer carrying domestic or industrial wastes shall cross suction mains to pumping equipment. Water mains shall not be installed closer than 10 feet to septic tank drainfields. No raw waterlines shall be installed within five feet of any tile or concrete sanitary sewer.

(d) Sanitary precautions and disinfection. Sanitary precautions, flushing, disinfection procedures, and bacteriological sampling, as prescribed in AWWA standards (refer to Rule .001, Glossary of Terms) for disinfecting water mains, shall be followed in laying water lines.

(1) Pipe shall not be laid in water or placed where it can be flooded with water or sewage during its storage or installation.

(2) Where water mains are laid under any flowing stream or semipermanent body of water, such as marsh, bay, or estuary, the water main shall be installed in a separate watertight pipe encasement or valves shall be provided in the line on each side of the crossing with facilities to allow the underwater portion of the system to be isolated and tested to determine that there are no leaks in the line under water. All lines four inches and smaller should be encased.

(3) New mains shall be thoroughly disinfected in accordance with AWWA standards (refer to Rule .001, Glossary of Terms) and then flushed and sampled before being placed in service. Samples shall be collected for bacteriological analysis to check the efficiency of the disinfection procedure, which shall be repeated if contamination persists. A minimum of one sample for each 1,000 feet of completed main will be required.

(e) Interconnections.

(1) Each proposal for a direct connection between public drinking water systems under separate administrative authority will be considered on an individual basis.

(A) Documents covering the responsibility for sanitary control shall accompany planning material submitted.

(B) Each water supply shall be of a safe, potable quality.

(2) Where an interconnection between systems is proposed to provide a second source of supply for one or both systems, the system being utilized as a second source of sup-

ply must be capable of supplying a minimum of 0.35 gallons per minute per connection for the total number of connections in the combined distribution systems.

(f) Backflow, siphonage.

(1) No water connection from any public drinking water supply system shall be made to any condensing, cooling, industrial process, or any other system of nonpotable water usage over which the public water system officials do not have sanitary control, unless the said connection is made through an air gap.

(2) The use of check valves, double-check valves, or other backflow prevention devices, which are subject to mechanical failure, malfunction, or inoperability under certain conditions, is not considered as sufficient protection in separating a public drinking water supply system from any of the systems listed in Rule .005(f)(1).

(g) Water hauling. When drinking water is distributed by tank truck or trailer, in lieu of distribution piping, it must be accomplished in the following manner.

(1) Water shall be obtained from an approved source.

(2) The equipment used to haul the water must be approved by this department and must be constructed as follows:

(A) The tank truck or trailer shall be used for transporting drinking water only, and shall be labeled "Drinking Water." Tanks which have been used previously for any other purpose shall not be used for hauling drinking water.

(B) The tank shall be water-tight and of an approved material which is impervious and easily cleaned and disinfected. Any paint or coating and any plastic or fiberglass materials used as contact surfaces must be approved by the U.S. Environmental Protection Agency, U.S. Food and Drug Administration, U.S. Public Health Service, or the National Sanitation Foundation (refer to Rule .001, Glossary of Terms).

(C) The tank shall have a manhole and a manhole cover which overlaps the raised manhole opening by a minimum of two inches and terminates in a downward direction. The cover shall fit firmly on the manhole opening and shall be kept locked.

(D) The tank shall have a vent which is located and faced downward so as to minimize the drawing of contaminants into the stored water. The vent must be screened with 16-mesh or finer corrosion-resistant material.

(E) Connections for filling and emptying the tank shall be properly protected to prevent the possible entrance of contamination. These openings must be provided with caps and keeper chains.

(F) A drain shall be provided which will completely empty the tank for cleaning or repairs.

(G) When a pump is used to transfer the water from the tank, the pump shall be permanently mounted with a permanent connection to the tank. The discharge side of the pump shall be properly protected between uses by a protective cap and keeper chain.

(H) Hoses used for the transfer of drinking water to and from the tank shall be used only for that purpose and labeled for drinking water. The hoses must be properly stored between uses and must be provided with caps and keeper chains or have the ends connected together.

(I) The tank shall be disinfected monthly and at any time that contamination is suspected.

(J) At least two samples of water shall be collected and submitted for bacteriological analysis to a Texas Department of Health laboratory for each month of operation.

(K) A minimum chlorine residual of 0.5 mg/l shall be maintained in the water being hauled. Chlorine or chlorine-containing compounds may be added on a "batch" basis to maintain the required residual.

(L) Operational records detailing the amount of water hauled, purchased, and source of water shall be maintained.

.006. Water Storage.

(a) Capacity. The minimum clear well or water storage reservoir capacity and pressure maintenance capacity shall be governed by the requirements in Rule .007, Water System Quantity Requirements.

(b) Location. Insofar as possible, clear wells or treated water reservoirs shall not be located under any part of any buildings and, when possible, shall be constructed partially or wholly above ground. No sanitary or storm sewers shall be located within 50 feet or septic tank soil absorption system located within 150 feet of the reservoir or clear well if the reservoir or clear well is below ground level. However, if the storm or sanitary sewers are constructed of pressure-type pipe with watertight joints as used in water main construction, they may be located at distances less than 50 feet from an underground treated water reservoir.

(c) Design and construction of clear wells, standpipes, reservoirs, and elevated tanks. All facilities for potable water storage shall be covered and constructed of durable materials meeting AWWA standards (refer to Rule .001, Glossary of Terms) and shall be provided with approved-type vents, manholes, manhole covers, and overflows. Bolted, galvanized steel tanks meeting American Petroleum Institute (API) specifications (refer to Rule .001, Glossary of Terms), when equipped with the proper appurtenances, may be accepted in sizes of 100,000 gallons or less. Bolted tanks with capacities of greater than 100,000 gallons must also meet shell thicknesses specified in AWWA standards (refer to Rule .001, Glossary of Terms) for welded tanks. Covers shall be sloped so as to prevent the collection of any water on the cover.

(1) Vents shall be of the gooseneck-type or roof ventilator-type, excluding turbine ventilators, and designed to prevent possible entry of dust, birds, insects, or any contaminants, with the opening protected by 16-mesh or finer corrosion-resistant screening.

(2) The roof-hatch opening shall have a raised curbing of at least four inches in height, and the cover shall overlap and terminate in a downward direction for at least two inches, with arrangements for keeping it locked in place.

(3) Overflows shall be provided with hinged flap valves.

(4) All clear wells and potable water storage reservoirs shall be provided with a satisfactory means, properly protected from a sanitary standpoint, of easily determining the amount of water available in storage.

(5) Inlet and outlet connections shall be so located as to prevent short circuiting or stagnation of water.

(6) Clear wells and potable water storage reservoirs shall be thoroughly tight against leakage, shall be situated above the groundwater table, and shall have no walls in common with any other plant units containing water in the process of treatment.

(7) If clear well or potable water storage reservoir drains are provided, they shall not be connected to any waste or sewage disposal system and shall be so constructed that they are not a potential agent in the contamination of the stored water.

(8) All steel-constructed ground and elevated storage reservoirs, clear wells, standpipes, and water storage tanks shall be designed, installed, constructed, painted, and disinfected in accordance with current AWWA standards (refer to Rule .001, Glossary of Terms), with reference to materials used and procedures to be followed, with the exceptions that no temporary coatings and no coating materials containing lead shall be acceptable for use. However, materials which have been approved by the United States Public Health Service, United States Environmental Protection Agency, or United States Food and Drug Administration for use as a contact surface with potable water may also be used.

(9) No tanks shall be used to store potable water that have previously been used for any other purpose.

(d) Design and construction of hydropneumatic tanks. All hydropneumatic tanks must be located wholly above grade and must be of steel construction with welded seams.

(1) Metal thickness for hydropneumatic tanks shall be sufficient to provide at least a minimum corrosion allowance and to withstand the highest expected working pressures with a four-to-one factor of safety.

(2) All hydropneumatic tanks shall be provided with a pressure-release device and an easily readable pressure gauge.

(3) Facilities shall be provided for maintaining the air-water-volume at the design water level and working pressures.

(4) If a protective paint or coating is applied to the inside portion of any pressure tank, the coating shall be as specified in Rule .006(c)(8).

(5) No tank that has been used to store any material other than potable water may be considered for use in a public water system.

(e) All potable water storage reservoirs and pressure maintenance facilities must be enclosed by an intruder-resistant fence with lockable gates, with the exception of pedestal-type elevated tanks with no exterior ladders where the riser door can be kept locked.

.007. Water System Quantity Requirements.

(a) Minimum water quantity requirements for community-type water systems. All quantities listed below are minimum requirements only. In view of the wide variation in per capita water usage throughout the State of Texas, the determining factor for water system facilities is the ability of the system to maintain a minimum residual pressure of 20 psi and a normal operating pressure of 35 psi. Those systems which are unable to maintain the specified minimum pressures will be required to provide additional supply, storage, pumping, or pressure-maintenance facilities, as determined by this department on a case-by-case basis.

(1) Ground water supply.

(A) Less than 50 connections or less than 150 population.

(i) Ground storage—not required.

(ii) Pressure tank capacity—50 gallons per connection.

(iii) Well capacity—1.5 gallons per minute per connection.

(B) Fifty to 250 connections or 150 to 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection.

(ii) Pressure-maintenance facilities must have either pressure tank capacity of 2,500 gallons for each 125 connections or each fraction of 125 connections, or elevated storage in the amount of 100 gallons per connection.

(iii) Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Well capacity—0.6 gallon per minute per connection.

(v) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(C) More than 250 connections or over 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection with a maximum of 5.0 MG required.

(ii) Pressure maintenance facilities must either have elevated storage based on 100 gallons per connection with a maximum of 5.0 MG required, or pressure tank capacity of 2,500 gallons for each 125 connections or fraction of 125 connections.

(iii) Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Pressure tank installations are not recommended for systems of over 1,000 connections, and elevated storage in the amount of 100 gallons per connection is recommended. Elevated storage in the amount of 100 gallons per connection is required for systems of over 2,500 connections or for systems where a minimum residual pressure of 20 psi under peak design conditions or 35 psi under normal operating conditions cannot be maintained with a single input point.

(v) Well capacity—two or more wells having a total rated capacity of 0.6 gallon per minute per connection. Where an interconnection is provided with another acceptable water system, which is capable of supplying at least 0.35 gpm for each connection in the combined system under emergency conditions, then an additional well will not be required as long as the 0.6 gpm per connection requirement is met for each system on an individual basis. Each water system will still be required to meet the storage and pressure-maintenance requirements on an individual basis unless the interconnection is permanently open; then the systems will be considered as a single system.

(vi) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection or total capacity of 1,000 gpm and able to meet peak demands, whichever is less.

(vii) Necessary auxiliary power to deliver water to the distribution system in the event of the loss of normal power supply must be provided for pressure tank installations.

(2) Surface water supply.

(A) Less than 50 connections or less than 150 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection, with a minimum capacity of 1,000 gallons, must be provided as clear well capacity at the plant.

(ii) Pressure tank capacity—50 gallons per connection, with a minimum capacity of 250 gallons.

(iii) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(iv) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(v) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(B) Fifty to 250 connections or 150 to 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection.

(ii) Covered clear well storage or ground storage at the plant of 25 percent of the total storage capacity will be required to provide adequate chlorine contact time.

(iii) Pressure-maintenance facilities must have either pressure tank capacity in the amount of 2,500 gallons for each 125 connections or fraction of 125 connections, or elevated storage capacity in the amount of 100 gallons per connection.

(iv) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(v) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(vi) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection.

(C) More than 250 connections or over 750 population.

(i) Total storage capacity (does not include pressure tank capacities, if any)—200 gallons per connection with a maximum of 5.0 MG required.

(ii) Covered clear well storage or ground storage at the plant of 25 percent of the total storage capacity, with a maximum requirement of 1 MG, will be required to provide adequate chlorine contact time.

(iii) Pressure-maintenance facilities must either have elevated storage based on 100 gallons per connection, with a maximum of 5.0 MG required or pressure tank capacity of 2,500 gallons for each 125 connections or fraction of 125 connections. Elevated storage in the amount of 200 gallons per connection may be substituted for ground storage and pressure tank installations.

(iv) Pressure tank installations are not recommended for systems of over 1,000 connections, and elevated storage in the amount of 100 gallons per connection is recommended. Elevated storage in the amount of 100 gallons per connection is required for systems of over 2,500 connections or for systems where a minimum residual pressure of 20 psi under peak design conditions or 35 psi under normal operating conditions cannot be maintained with a single input point.

(v) Raw water pumps and transfer pumps—duplicate pumps with each having a rated capacity of 0.6 gallon per minute per connection.

(vi) Treatment plant capacity—0.6 gallon per minute per connection under normal rated design capacity.

(vii) Service pumps—two or more having a total rated capacity of 2.0 gallons per minute per connection or total capacity of 1,000 gpm and able to meet peak demand, whichever is less.

(viii) Necessary auxiliary power to deliver water to the distribution system in the event of the loss of normal

power supply must be provided for pressure tank installations.

(b) Noncommunity water systems serving transient-type accommodation units. The following water quantity requirements are applicable to noncommunity water systems serving accommodation units, such as hotel rooms, motel rooms, travel trailer spaces, campsites, etc. These requirements will be used as a basis in plan review for the establishment of new noncommunity water systems serving hotels, motels, travel trailer parks, campgrounds, etc, and in determining appropriate quantity requirements for similar existing water systems following field surveys.

(1) Ground water supply.

(A) Less than 50 accommodation units.

(i) Ground storage capacity—not required.

(ii) Pressure tank capacity—10 gallons per unit with a minimum of 250 gallons required.

(iii) Well capacity—1.5 gallons per minute per unit.

(B) Systems serving 50 or more accommodation units.

(i) Ground storage capacity—35 gallons per unit.

(ii) Pressure tank capacity—10 gallons per unit.

(iii) Well capacity—0.6 gallon per minute per unit.
 (iv) Service pump capacity—two or more pumps having a total rated capacity of 1.0 gallon per minute per unit.

(2) Surface water supply.

(A) All systems regardless of size.

(i) Ground storage capacity—35 gallons per unit with a minimum requirement of 1,000 gallons, with all storage required as clear-well capacity to provide adequate chlorine detention time.

(ii) Pressure tank capacity—10 gallons per unit with a minimum requirement of 250 gallons.

(iii) Raw water pump and transfer pump capacity—duplicate pumps with each having a capacity of 0.6 gallon per minute per unit.

(iv) Treatment plant capacity—0.6 gallon per minute per unit.

(v) Service pump capacity—two or more pumps with a total rated capacity of 1.0 gallon per minute per unit.

(c) Noncommunity water systems serving other than transient accommodation units. The following table shall be used to estimate the daily water requirements for the various types of facilities listed.

TABLE A

TYPE OF ESTABLISHMENT	GALLONS/PERSON/DAY
Restaurants-----	18
Schools without cafeterias, gymnasiums or showers-----	18
Schools with cafeterias, but no gymnasiums or showers-----	24
Schools with cafeterias, gymnasiums and showers-----	30
Office Buildings-----	18
Hospitals-----	240
Institutions other than hospitals-----	120
Factories (gallons per person per shift, exclusive of industrial wastes)-----	24
Parks without bathhouse-----	6
Parks with bathhouse-----	12
Swimming pools and bathhouses-----	12
Country clubs (per resident member)-----	120
Drive-in theaters (per car space)-----	6
Movie theaters (per auditorium seat)-----	6
Airports (per passenger)-----	6
Self-service laundries (gallons per wash, i.e., per customer)-----	60
Stores (total per day per washroom)-----	480
Service stations (per vehicle served)-----	12

It should be noted that usage of this table is for the purpose of estimating minimum capacities only, and that the overriding criteria will be the ability of the system to maintain a minimum pressure of 35 psi under normal operating conditions, and a minimum residual pressure of 20 psi under all conditions of demands.

(1) Ground water supply.

(A) Less than 50 persons per day served.

(i) Ground storage—not required.

(ii) Pressure tank capacity—a minimum tank capacity of 250 gallons is required, with additional capacity, if necessary, based on a sanitary survey conducted by the department's personnel.

(iii) Well capacity must be sized to provide the maximum daily demand as determined from Table A and estimate of the time of the usage.

(B) Fifty or more persons per day served.

(i) Ground storage must have storage equal to 50 percent of the maximum daily demand determined from Table A.

(ii) Pressure tank capacity—a minimum capacity of 250 gallons is required, with additional capacity, if necessary, based on a sanitary survey conducted by the department's personnel.

(iii) Well capacity must be capable of supplying maximum daily demand determined from Table A.

(iv) Service pumps must have one or more pumps with a combined capacity of three times the maximum daily flow rate in gallons per minute.

(2) Surface water supply.

(A) All systems regardless of the number of persons served.

(i) Ground storage must provide clear-well storage at the plant in sufficient quantity as to produce a 30-minute chlorine detention time at a flow rate of three times the maximum daily flow rate in gallons per minute, as determined from Table A.

(ii) Pressure tank capacity—a minimum tank capacity of 250 gallons is required, with additional capacity, if necessary, based on a sanitary survey conducted by the department's personnel.

(iii) Treatment plant capacity must be sized to provide maximum daily usage, as determined using Table A.

(iv) Raw water pumps—duplicate pumps, each of which is sufficient to provide maximum daily usage plus a 20 percent allowance for filter backwash water and flushing.

(v) Transfer pumps—duplicate pumps, each of which is capable of providing maximum daily demand as determined using Table A.

(vi) Service pumps—two or more pumps with a total rated capacity of three times the maximum daily flow rate in gallons per minute, as determined from Table A.

008. Minimum Acceptable Operating Practices for Public Drinking Water Systems.

(a) General. When a public drinking water supply system is to be established, plans are to be submitted to the Texas Department of Health for review and approval prior to construction thereof. All public water systems are to be constructed in conformance with the Texas Board of Health's current "Rules and Regulations for Public Water Systems" and maintained and operated in accordance with the following minimum acceptable operating standards which are based upon state statutes, regulations, and good operating practices.

(b) Bacteriological. Submission of samples for bacteriological analysis shall be as required by this department's "Drinking Water Standards," with a minimum number of samples submitted from each pressure plane or section of distribution served by a separate ground storage reservoir and/or service pump(s) in accordance with the population served by each. These samples shall be submitted each month to the Texas Department of Health or one of its regional laboratories (be sure to check with the laboratory to see what days of the week they will accept these samples). Refer to Bacteriological Analysis of Drinking Water, Form G-36, for information on how to collect the samples and where to send them.

(c) Chemical. Samples for chemical analysis shall be submitted as directed by personnel from this department's public health regions during sanitary surveys of the facilities.

(d) Monthly operation reports. A monthly Report of Water Works Operation, using H-3 for well supplies and H-13 for surface supplies, showing the analysis of raw and treated water, amounts of the various chemicals used, pumpages to distribution system, dates of dead-end main flushing operations, reservoirs cleaned, results of bacteriological and chemical tests, as well as daily turbidity analyses for surface water sources, and other pertinent data, should be compiled

and a copy submitted monthly to the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(1) Results of turbidity analyses for surface water supplies must be included in the monthly report.

(2) Systems with less than 50 connections utilizing ground water sources only are not required to submit monthly reports.

(e) Operation by certified personnel. No district, municipality, firm, corporation, or individual shall furnish to the public any drinking water for which any charge is made, unless the production, processing, treatment, and distribution is at all times under the supervision of a competent water works operator holding a valid certificate of competency issued under the direction of the Texas Department of Health. A Grade "D" certificate is valid for systems with 250 or fewer connections. Systems serving in excess of 250 connections must employ operators with Grade "C" or higher certificates.

(f) Chlorination. Chlorination facilities shall be provided for all public water supplies with the point of application prior to pumping to the distribution system.

(1) The chlorinators shall be operated so as to maintain a minimum chlorine residual of 0.2 mg/l in the far reaches of the distribution system at all times.

(2) A chlorine test kit must be obtained so that chlorine residuals can be checked.

(3) Test results should be recorded.

(g) Disinfection of new or repaired facilities. When repairs are made to existing mains or when new main extensions are provided, they must be disinfected by water department personnel using such amounts of chlorine or chlorine compounds as to fill the repaired or new mains and appurtenances with water containing 50 mg/l chlorine. After the water containing this amount of chlorine has been in contact with the pipe and appurtenances at least 24 hours, the water shall be replaced with water to be transported normally, and samples of water from the new or repaired main submitted to laboratories for bacteriological examination so as to be assured that the disinfection procedure was effective. When it is necessary to return repaired mains to service as rapidly as possible, doses may be increased to 500 mg/l and the contact time reduced to one-half hour.

(h) Calcium hypochlorite. A supply of calcium hypochlorite disinfectant shall be kept on hand for use when making repairs, setting meters, and disinfecting new mains prior to placing them in service.

(i) Plumbing ordinance. City (or corporation) should adopt an adequate plumbing ordinance (or regulations) with provisions for the proper enforcement thereof to insure that neither cross-connections nor other undesirable plumbing practices are permitted.

(j) Cross-connection control. Water department personnel, plumbing inspectors, and others shall inspect individual water facilities prior to providing service and periodically thereafter to prevent possible cross-connections between the potable (safe) water system and any nonpotable (unsafe) water. Continuous efforts shall be made by water department personnel, plumbing inspectors, and others to locate possible interconnections between privately owned water systems and the public water system. As these undesirable interconnections are located, they shall be eliminated so as to prevent possible contamination of the water supplied by the community water facilities.

(k) **Interconnection.** No physical connection between the distribution system of a public drinking water supply and that of any other water supply shall be permitted unless such other water is of safe sanitary quality and the interconnection is approved by the Texas Department of Health.

(l) **Flushing of mains.** All dead-end mains must be flushed at monthly intervals or more frequently if water quality complaints are received from water customers.

(m) **Housekeeping and maintenance.** A program should be initiated to facilitate cleanliness and to improve the general appearance of all plant facilities.

(n) **Distribution system map.** The map of the distribution system should be kept up to date in order that valves and mains may be easily located during emergencies.

(o) **Collection system location.** No sanitary or storm sewers except those constructed as specified in Rule .005(c)(1)(A), or septic tanks, shall be allowed within a distance of 50 feet, and no cesspool or septic tank open-jointed drainfields shall be allowed within a distance of 150 feet of the well. Water lines and sanitary sewers shall be installed no closer to each other than nine feet, and under no circumstances shall they be installed in parallel in the same ditch. Water lines and septic tank drainfield laterals shall be installed no closer to each other than 10 feet.

(p) **Well logs.** Copies of well material setting data, geological log, sealing information (pressure cementing and surface protection), disinfection information, bacteriological sample results, and a chemical analysis report of a representative sample of water from the well shall be kept on file.

(q) **Ground and elevated storage tank maintenance.** Both ground and elevated storage tanks should be inspected at least annually to determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves provide adequate protection against insects, rodents, etc, and that the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces.

(r) **Filter backwashing for surface water treatment plants.** Filters must be backwashed after every 100 hours of operation or when a loss of head differential of 6 to 10 feet is experienced between the influent and effluent loss of head gauges, or as often as necessary to maintain acceptable filtered water turbidity levels.

(s) **When water system ownership changes,** a written notice of such a transaction must be provided to the department by the previous owner within 10 days of the date of the transaction. The notice must include the name of the old and the new owner, date of transaction, address of the new owner or responsible official, and any other information necessary to properly identify the transaction.

.009. Appendix A.

Notice of Appointment

Fratris L. Duff, M.D.
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Dear Doctor Duff:

This is to advise you that the officials of _____, Texas, at a regular or called meeting on _____, have duly appointed _____ as consult-

ing and designing engineer for the purpose of submitting engineering reports, planning material, plans and specifications, and for supervision of construction of _____.

Mr. _____ is a registered professional engineer in good standing in accordance with State Statutes and has had experience in the design and construction of similar facilities at the following locations:

We herewith authorize you to review and comment on such reports, planning material, data, and plans and specifications on this proposed project as he may submit to you.

Address of Owner,
Corporation, or
Responsible Official

Attest:

Secretary

Date: _____

.010. Appendix B "Approval" Requirements.

(a) Public water supply systems which are state "approved" must exceed the minimum acceptable standards of the Texas Department of Health and have the privilege of erecting signs denoting this honor. To achieve this recognition, the following standards are to be met:

(1) Physical facilities shall comply with the latest "Rules and Regulations for Public Water Systems."

(2) Water quality shall comply with the criteria as prescribed by the Texas Board of Health.

(3) The system operation shall comply with applicable state statutes, Article 4477-1, Vernon's Texas Civil Statutes, and with minimum acceptable operating practices.

(4) There shall be a minimum of two certified operators with additional required for larger systems.

(5) The system shall have at least two wells, two raw water pumps, or a combination of these; of sufficient capacity to provide average daily consumption with the largest well or pump out of service. This requirement also to apply to treatment plant pumps necessary for operation. (Note: See Rule .003(b), Water quantity.)

(6) Treatment facilities shall be as required with standby units for chemical feeders and chlorinators.

(7) Two or more pumps shall be installed to supply each section of the distribution system or each pressure level.

(8) Total storage (ground and elevated) shall be equal to average daily consumption or 185 gallons per capita, whichever is less. Pressure tanks shall not be considered as storage.

(9) Elevated storage (included in above) equivalent to 50 percent of average daily consumption or 55 gallons per capita, whichever is less, with a maximum of 5.0 MG required, shall be provided for each section or pressure level of the distribution system.

(10) An up-to-date map of the distribution system shall be maintained and kept in a safe location.

(11) Meters shall be required for production facilities and service connections.

(12) The water system shall be generally well maintained and the facilities present a pleasing appearance to the public.

(13) An adequate plumbing ordinance or regulations for sanitary control of the distribution system must be adopted and enforced.

(14) Prior to approval or reapproval, the system must be inspected and evaluated by Texas Department of Health personnel as to physical facilities, appearance, and operation.

.011. Appendix C. Suggested minimum water main sizes.

(a) These are minimum recommendations and should be exceeded when the design engineer deems it necessary. The distribution system must be designed and constructed so as to provide at all times a minimum residual pressure of 20 psi under maximum usage conditions. Under normal operating conditions, minimum pressures should be not less than 35 psi.

Maximum Number of Connections	Minimum Main Sizes, In Inches
2	1
5	1½
10	2
25	2½
50	3
100	4
150	5
250	6
>250	8 and larger

(b) It should be pointed out that the above suggested limits are based strictly on the number of customers to be served and not on distances between connections or differences in elevation or the type of pipe to be used.

Issued in Austin, Texas, on August 3, 1978.

Doc. No. 785162 Raymond T. Moore, M.D.
Deputy Commissioner
Texas Department of Health

Effective Date: September 1, 1978

For further information, please call (512) 458-7533.

Texas Department of Human Resources

Nursing Facility Administration Mental Retardates in Nursing Homes 326.33.10

The Department of Human Resources has withdrawn from consideration the proposed repeal of Rule 326.33.10.001, Admission to Proprietary Nursing Care Facility, as published in the May 16, 1978, issue of the *Texas Register* (3 TexReg 1736). Only Rule .001 of the four rules proposed for repeal was affected by this withdrawal notice.

Doc. No. 785236

Legal Services

Consultant Contracts 326.79.05

The Department of Human Resources adopts the following rules about guidelines for contract administration as published in the May 19, 1978, issue of the *Texas Register* (3 TexReg 1773). Contracts for consulting services are subject to the special procedures contained in Senate Bill 737, 65th Legislature, Regular Session, 1977. These specific requirements are in addition to other requirements of federal and state laws and regulations. If it is foreseeable that the total reimbursement for a consultant under a contract will exceed \$10,000, notice of the proposed procurement must be published in the *Texas Register* and notice must be made to the Legislative Budget Board and the Governor's Office of Budget and Planning.

No comments were received during the comment period regarding these proposed rules; therefore, the department adopts these rules without change.

Pursuant to the authority of Texas Revised Civil Statutes, Article 695c, and with approval of its board, the Texas Department of Human Resources adopts Rules 326.79.05.001-.006.

.001. Definitions.

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

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

.002. Use of Private Consultant. A private consultant may only be used if: (1) there is a substantial need for the consulting service, and (2) the department cannot adequately perform the consulting service(s) with its own personnel. In each case where a consultant contract is proposed, the contract file must contain documentation that satisfies these requirements. The only exemption is that these requirements do not apply in the case of a registered professional engineer, a registered architect, or private legal counsel.

.003. Notice of Offer.

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

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

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

(2) A notice of the Request for Proposal for submission to the *Texas Register* that includes: a concise description of the kind of service desired; the closing date for the receipt of offer; the name and address of the person to whom the

offer should be addressed; a concise description of the procedure to be used by the department in evaluating offers; and whether or not an option to review the contract is contemplated.

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

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

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

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

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

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

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

Issued in Austin, Texas on August 8, 1978.

Doc. No. 785235 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: August 29, 1978

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

.001. *Assessor-Collectors.* All assessor-collectors must register with the board regardless of whether they hold an elected position or are otherwise employed by a county, school district, city, water district, or other type of taxing jurisdiction. This does include the office of sheriff in those counties where the sheriff performs the duties of assessor-collector.

.002. *Supervisors.* Supervisors of a tax office who discuss, but do not determine or otherwise apply judgment in the determination of value with property owners, are not required to register with the board of TAE.

.003. *Clerical Personnel for Appraisal Contractors.* Clerical personnel or appraisal contractors who type, write, or otherwise enter value for assessment purposes under the instruction of an assessing supervisor, but who are not authorized to alter values on their own, are not required to register with the board.

.004. *Persons Who Appraise and/or Classify Property.* Persons who appraise and/or classify property must register with the board. However, an individual who simply measures a property, offers no judgment as to value, or does survey work for an appraiser is not required to register with the board.

.005. *Mapping Personnel.* Mapping personnel who do not place value or otherwise use judgment in the placement or determination of value are not required to register.

.006. *Secretarial or Clerical Personnel.* Secretarial or clerical personnel who aid any official or department head in a tax office, but do not exercise any judgment in the placement of determination of value, are not required to register with the board of TAE. Secretarial or clerical personnel who either place or determine value are required to register. This holds true for tax office personnel assigned to the Collection Division, Motor Vehicle Division, or Voter Registration Division, who from time to time counsel with the taxpayers about assessed value.

.007. *Tax Consultants or Appraisers.* Tax consultants or appraisers appearing before a board of equalization protesting a value, not working for a taxing jurisdiction, do not have to register. Appraisal firms, tax consulting firms, business firms, or companies providing technical assistance to a taxing jurisdiction involving the use of judgment in the placement or determination of value must register with the board of TAE.

Issued in Houston, Texas, on August 4, 1978.

Doc. No. 785287 Carl S. Smith
Chairman
Tax Assessor Examiners Board

Effective Date: August 30, 1978

For further information, please call (713) 224-1919.

Tax Assessor Examiners Board

Persons Required to Register

038.01.00

Under the authority of the Registration and Certification Act of the 65th Legislature, Article 7244B, Texas Revised Civil Statutes Annotated (Subchapter 1977), the Tax Assessor Examiners Board has formally adopted the following rules:

Legislative Report

The Second Called Session of the 65th Legislature adjourned *sine die* on August 8. Measures were passed dealing with most of the items included in the governor's call. Lawmakers reached an agreement on an omnibus tax relief measure on the last night of the 30-day session.

A final compromise package of proposed constitutional amendments aimed at tax relief (HJR 1) was approved 107-32 in the House and 28-2 in the Senate. The resolution includes the following provisions:

- taxation of real and tangible property and giving the legislature the power to tax intangible property;
- exemption of household goods not held for the production of income and of "personal property homestead" (personal property that is exempt by law from forced sale for debts);
- taxation of farm and ranch land on the basis of productivity rather than market value;
- property tax exemptions of \$5,000 of market value on residential homesteads and an additional \$5,000 exemption for senior citizens and disabled persons, and a freeze on school taxes for persons 65 years of age and older, except for home improvements;
- required notice and public hearings in political subdivisions before taxes can be increased;
- requiring the legislature to provide methods to prevent the rate of growth of appropriations from state tax revenues from exceeding the estimated rate of growth of the state's economy, and requiring a majority vote of members of both houses in order to increase taxes over that amount;
- prohibiting statewide appraisal of real property for ad valorem taxation; and proposing enforcement of uniform standards and procedures for appraisal of property for ad valorem taxation.

Appearing on the November 7 general election ballot as the "Tax Relief Amendment," HJR 1 will become effective on January 1, 1979, if approved by the voters.

The governor issued another proclamation on August 7 expanding the call to include a measure regarding municipal tax increment bonds.

Tax Reform

Bills proposing a property tax code were not adopted during this session. However, HJR 1 calls for enforcement of uniform standards and procedures for appraisal of property for ad valorem taxes and prohibits statewide appraisal of real property for ad valorem taxation. Proponents of statewide restructuring and standardization of property appraisal and taxing mechanisms hope to seek passage of the Property Tax Code again when the legislature convenes in January.

Sales Tax

HB 1, repealing the sales tax on residential utilities, was signed into law by the governor on August 9.

Included in the governor's expanded call, HB 23 would have exempted certain energy-saving materials and equipment from the sales tax. The bill was adopted by the House but remained in the Senate Human Resources Committee until the end of the session.

Inheritance Tax

HB 1, signed by the governor and effective September 1 of this year, raises inheritance tax exemptions for direct descendants of the deceased from \$25,000 each to \$200,000 as a group. The group exemption will increase to \$300,000 by 1985.

Property Tax

HJR 1 exempts intangible property, but gives the legislature the power to tax such property. Household goods not used for production of income and personal property exempted by law from forced sale for debts would also be exempt from taxation. Residential homestead school tax exemptions would be based on market value, rather than assessed value. Residential homesteads would have a \$5,000 exemption from school taxes and an additional \$5,000 exemption if the owner is 65 years of age or older or disabled. For senior citizens, this measure would freeze school taxes on their homesteads, excluding improvements. Agricultural and ranch lands would be taxed on the basis of productive rather than market value.

A bill creating the School District Reimbursement Fund of \$450 million from the General Revenue Fund (HB 57) was passed by both houses. This bill will take effect only if voters approve HJR 1 on November 7.

State Income Tax

In spite of several attempts to constitutionally prohibit the use of a state income tax (individual or corporate or both), HJR 1 retains the state's power to levy such a tax.

Limitations on Taxation

Provisions limiting taxation were included in two measures adopted during the session. HB 18 and HJR 1 contain "truth in taxation" provisions, calling for notice and public hearings on any tax increases over three percent proposed by local governing bodies. HJR 1 also requires the legislature to provide a method for preventing the rate of growth of state appropriations from exceeding the estimated rate of growth of the state's economy. Also required is a majority vote of members of both houses of the legislature to raise taxes over this amount.

Bills and resolutions failed to be adopted that would have enacted two other methods of tax limitation: a required two-thirds vote of members of both houses to impose or increase taxes; and initiative and referendum powers to the electorate.

State Employees' Social Security

A bill (SB 10) defining state payments of state employees' social security contributions as nontaxable compensation has been signed by the governor and is effective immediately.

Texas Youth Council Facilities and Funds Transfer

SB 13, providing for the transfer of land, buildings, facilities, and funds of the Gatesville State School for Boys from the Texas Youth Council to the Texas Department of Corrections, has been passed and sent to the governor.

Miscellaneous

As mentioned previously, the governor expanded the call for the session on August 7 to include a technical amendment to SJR 44 (65th Legislature, Regular Session, 1977), relating to a constitutional amendment concerning municipal tax increment bonds. A resolution (SJR 17) clarifying that only tax revenues from tax increment bonds can be used to retire those bonds was adopted and sent to the governor.

The following measures were also adopted and sent to the governor for his signature: HB 36, regarding the compensation and expenses of the court reporter of the 31st Judicial District; SB 8, validating a court order regarding the City of Oyster Creek; SB 19, relating to county school administration; SB 17, appropriating money to the secretary of state for publication of the proposed constitutional amendments; and SB 18, regarding the arrangement of proposed constitutional amendments on the November 7 ballot.

Measures regarding three other items included in the governor's expanded calls (relating to producers of agricultural and marine commodities, West Texas State University student center fees, and the sale of Texas Department of Corrections lands) were not adopted in this session.

Gubernatorial Appointments

The Senate confirmed approximately 460 gubernatorial appointees during the special session. A partial list of these confirmations appeared in the the August 8 issue of the *Register*, and the remainder has been published in this section.



House of Representatives Bills Introduced

HCR 18 Orr—Granting Denton Construction Company permission to sue the state.

HCR 19 Peveto—Congratulating the Texas Legislative Council Co-Rec Softball Team.

HCR 20 Wieting, *et al.*—Commending I. Dewitt Hale.

HSR 15 Jones—Commending Jonathan R. Cunningham.

HSR 23 Denton—Commending the Parent Teacher Association of Texas.

HSR 24 Denton—In memory of Oscar N. BuCongy.

HSR 25 Hubenak and Blanton—In memory of Stephen Franklin Blanton.

HSR 26 Willis—Commending Representative Chris Miller.

HSR 27 Nugent—Congratulating John Mahaffey.

HSR 28 Nugent—In memory of Harry P. Horby.

HSR 29 R. Wilson and Gonzalez—In memory of Pope Paul VI.

HSR 30 Hendricks—In memory of W. A. Belden.

HSR 31 Gilley—In memory of Judge Cecil B. Johnston.

HSR 32 Laney—To appoint committee to notify the governor and the Senate that the House has completed its labors and stands ready to adjourn.

HSR 33 Delcon—Congratulating Ron Wilson.

HSR 34 Thompson—Commending Leonard Briscoe.

HSR 35 Blanton, *et al.*—Congratulating the 1977 Plano Wildcat football team.

HSR 36 Delco—Congratulating Ray Anthony Owens.

HSR 37 Berlanga and Gonzalez—In memory of Apolonio "Paul" Montemayor.

HSR 38 Laney—Bestowing honorary office of mascot on Jerrilyn and Joel Clark, Andrew Hubenak, and Shannon Powers.

HSR 39 Thompson and Ragedale—Commending Anthony W. Hall, Jr.

HSR 40 Waters, *et al.*—Commending John R. Bigham.

HSR 42 Semos, *et al.*—Commending T. H. McDonald, Sr.

HSR 43 T. Hall—Congratulating Sharon K. Simmons.

HSR 44 Kublak—Congratulating the Krum High School basketball team.

HSR 45 Keese—Commending Joe A. Hubenak.

HSR 46 Lalor—Commending George "Mickey" Leland.

HSR 47 Evans, English, and Lewis—Commending Michael Dale Millsap.

HSR 48 Ezzell and Willis—Commending Elmer Martin.

Committee Referrals

HJR 56 Bush—Proposing an amendment to SJR 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds. (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. Sent to governor—August 4.

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 5 Hubenak—Making an appropriation to Texas A&M University. Referred to the Appropriations Committee—July 31.

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 Coverha—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. House passed—August 7; Senate passed—August 8.

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. Reported from committee with substitute—August 1. Referred to Committee on Calendars—August 2.

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. House passed—August 8. Referred to Senate Human Resources Committee—August 8.

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 26 Briscoe—Relating to the determination of the average residential user's minimum energy needs and establishing rates for these needs. Referred to Energy Resources Committee—July 31.

HB 27 Evans et al.—Relating to an election in Tarrant County to consolidate the offices of county auditor and county treasurer for the purpose of reducing the tax burden on the people of Tarrant County. Referred to the Intergovernmental Affairs Committee—July 31.

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 Sullivant—Relating to the creation and distribution of the School Property Tax Relief Fund. Coauthors authorized—July 31, August 1 and 3.

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 33 Benedict—Relating to the validation of the acts and proceedings of certain municipalities. Referred to Intergovernmental Affairs Committee—July 31.

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 36 Close**—Relating to the compensation and expenses of the court reporter of the 31st Judicial District. Sent to governor—August 7.
- HB 37 Peveto and Wieting**—Relating to property taxation. Read second time and laid on table subject to call—August 1.
- HB 38 T. Hall**—Relating to the amount of tuition that may be pledged to the payment of bonds by the governing board of a state institution of higher education. Referred to Higher Education—July 31.
- HB 39 Hendricks**—Relating to a nonbinding referendum on the question of tax relief for school districts. Second and third reading in House—August 7. Rules failed to suspend to consider—August 7.
- 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 45 Brown**—Relating to granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes. Referred to Higher Education Committee—July 31.
- 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 50 Coody**—Prohibiting a city or town from annexing certain territory without an election at which residents of the area to be annexed approve the annexation. Referred to Intergovernmental Affairs Committee—July 31.
- 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 53 Peveto and Delco**—Relating to county school administration. Considered in public hearing—August 3.
- HB 54 Close**—Relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District. Reported favorably from committee without amendments—July 31. Referred to Committee on Calendars—August 1.
- HB 55 Simpson, D. Hill, Close, and Cates**—Relating to student center fees at West Texas State University. Passed in House—August 4. Referred to Senate Education Committee—August 7.
- HB 56 Denton, McBee, and Jones**—Relating to certification requirements for peace officers. Referred to State Affairs Committee—July 31.
- HB 57 Presnal and Heatly**—Relating to creation and allocation of a special fund for reimbursement of school districts for loss of revenue resulting from certain constitutional provisions. House passed subject to Article III, Section 49a, Texas Constitution—August 3. Senate passed—August 8.
- HB 58 Rudd**—Relating to the duties of the county attorney of Terry County and the district attorney of the 121st Judicial District. Referred to Intergovernmental Affairs Committee—August 2.
- HB 59 Lauhoff, Blythe, Caraway, R. Green, Whitmire, and Wallace**—Relating to substitution of reappraised values of property for existing values on the tax roll. Reported favorably from Ways and Means Committee without amendment—August 4. Rules failed to suspend for consideration—August 7.
- HB 60 Robbins, et al.**—Relating to the labeling and transportation of agricultural products. Referred to Agriculture and Livestock Committee—August 4.
- HB 61 Edwards**—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. Reported favorably from Social Services Committee—August 4. Referred to Committee on Calendars and notice given for one hour to suspend rules to consider—August 7.
- 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. House passed—August 2; Senate passed—August 3. Adoption of conference committee report by House and Senate—August 8.
- 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 Sullivant**—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 32 Evans, et al.—Proposing a constitutional amendment to abolish the office of county treasurer in Tarrant County for the purpose of reducing the tax burden on the people of Tarrant County. Referred to Constitutional Amendments Committee—July 31.

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. House passed—August 4. Referred to subcommittee of Senate Finance Committee—August 8.

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 28.

HJR 52 Thompson—Proposing a constitutional amendment to insure that a certain percentage of the proceeds of bonds secured by the income from the Permanent University Fund is used for the benefit of Prairie View A&M University. Referred to Constitutional Amendments Committee—July 31.

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

HJR 54 Rains—Proposing a constitutional amendment to repeal and prohibit all state ad valorem taxes on any property within this state and to establish the State Higher Education Assistance Fund. Referred to Constitutional Amendments Committee—July 31.

HJR 55 Wallace—Proposing a constitutional amendment to reserve in the people the powers of initiative and referendum. Referred to Constitutional Amendments Committee—July 31.

HJR 56 Bush—Proposing an amendment to SJR 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds. Reported favorably from Constitutional Amendments Committee without amendments and referred to Committee on Calendars—August 7.



Senate Bills Introduced

SR 125 Schwartz—Extending congratulations to Judge William A. Decker.

SR 126 Schwartz—Extending congratulations to Judge James A. Piperi.

SR 127 Schwartz—Extending congratulations to Judge Donald M. Markle.

SR 132 Farabee—Memorial resolution for Harold Bennett.

SR 133 Farabee—Memorial resolution for Bruce Burnette Campbell.

SR 134 Farabee—Memorial resolution for Miss Ethel Morgan.

SR 135 Farabee—Memorial resolution for Marion C. Barker.

SR 136 Doggett—Extending welcome to Reverend Dr. Samuel N. Baxter.

SR 138 Schwartz—Memorial resolution for Elizabeth Piperi Collins.

SR 139 Schwartz—Extending welcome to Maggie and Debbie Colley.

SR 140 Schwartz—Extending welcome to Dr. and Mrs. Bernard A. Milstein and their daughters, Andria and Julie.

SR 141 Schwartz—Extending welcome to Dr. and Mrs. Ted Friedberg and their children Laura, Brooks, Paul, and Anna.

SR 142 Schwartz—Extending welcome to Mr. and Mrs. Sam Breitman.

- SR 143 Doggett—Welcoming Dr. Clay Boyer.
- SR 144 Farabee—In memory of Mrs. Bea Wood.
- SR 145 Grant Jones—In memory of Prince Elmer (Pete) Shotwell.
- SR 146 Schwartz—Congratulating Joe Doby.
- SR 147 Truan, Longoria, Santiesteban—Designating the week of August 7-13, 1978, as American G. I. Forum Week.
- SR 148 Snelson—In memory of Frank D. Stubbeman.
- SR 149 Truan—Congratulating Jose A. "Joe" Montoya.
- SR 150 Brooks—In memory of Lloyd Gregory.
- SR 151 Brooks—In memory of Howard Reynolds Stentz, Sr.
- SR 152 Hance—Congratulating C. Dayle Vannoy.
- SR 153 Clower—Commending Kenny Gatteys.
- SR 154 Aikin—Caucus report.
- SR 155 Truan—In memory of Paul Montemayor.

Committee Referrals

SB 24 Blake—Relating to restriction of construction of a terminal storage site for nuclear waste or the permanent storage of nuclear waste. (Natural Resources)

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. Reported from committee with substitute—July 31. Second reading in House—August 7. Notice given for one hour to suspend rules to consider—August 8.

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. Sent to governor—August 4.

SB 9 Jones of Taylor and Farabee—Relating to property taxation. Defeat by Senate reported—August 2.

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. Signed by governor, effective immediately—August 7.

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. Coauthor authorized—August 4.

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. Sent to governor—August 4.

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. Sent to governor—August 7.

SB 18 Jones of Harris—Relating to the arrangement on the ballot of certain proposed constitutional amendments. Senate passed—July 27. House passed—August 4. Senate concurred with House amendments—August 8.

SB 19 Farabee—Relating to county school administration. Sent to governor—August 8.

SB 20 Price—Relating to student center fees at West Texas State University. Reported favorably from Senate Public Education Committee—August 3. Motion lost to suspend regular order—August 7.

SB 21 Blake—Relating to substitution of reappraised values of property for existing values on the tax roll. Referred to subcommittee—August 4.

SB 22 Price—Relating to compensation and expenses of the court reporter of the 31st Judicial District. Referred to Administration Committee—August 4.

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.

SJR 16 Ogg—Proposing a constitutional amendment repealing and prohibiting all state ad valorem taxes on property and creating the State Higher Education Assistance Fund. Referred to Finance Committee—July 31.

SJR 17 Farabee—Proposing an amendment to SJR 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds. Senate passed—August 7. House adopted and sent to governor—August 8.



Confirmation of Gubernatorial Appointments

The following is a list of gubernatorial appointments confirmed by the Texas Senate on August 2, 3, and 8, 1978.

Listed are the agencies or offices, the appointees, and the counties of residence of the appointees.

Confirmed August 2-3, 1978

Texas Aeronautics Commission

James D. Abrams, El Paso

C. T. Matthew, Lavaca

State Board of Barber Examiners

Helen Spears, Dallas

Bastrop County, Criminal District Attorney

Albert (Neal) Pfeiffer, Bastrop

State Board of Control

Charles S. Coates, Sr., Washington

A. Sam Waldrop, Taylor

State Board of Dental Examiners

Dr. Donald L. Brunson, Harris

Dr. William J. Kemp, Haskell

Dr. James S. Rogers, Potter

District Review Committee

Dr. Robert Mayo Tenery, Sr., Ellis

Dr. Phillip E. Williams, Jr., Dallas

Family Practice Residency Board

Dr. Exalton A. Delco, Jr., Travis

Good Neighbor Commission

Arnaldo Ramirez, Sr., Hidalgo

Greater South Texas Cultural Basin Commission

Gerald R. Brown, Dallas

Ben T. Haney, Dallas

Texas Department of Human Resources

Jerome D. Chapman, Travis

Industrial Commission

Jackie W. St. Clair, Williamson

State Board of Insurance

Durwood Manford, Jr., Gonzales

27th Judicial District, Judge

Churchell W. Duncan, Bell

103rd Judicial District, Judge

Raul A. Gonzalez, Cameron

254th Judicial District, Judge

George Martinez, Dallas

301st Judicial District, Judge

Annette Stewart, Dallas

303rd Judicial District, Judge

Dan Gibbs, Dallas

305th Judicial District, Judge

Pat McClung, Dallas

318th Judicial District, Judge

Joseph H. Mims, Midland

330th Judicial District, Judge

Perry Oswin Chrisman, Dallas

Lamar University, Board of Regents

Hubert Oxford III, Jefferson

Texas Motor Vehicle Commission

Gordon Bailey, Tarrant

Dan Boone, Harris

Occupational Safety Board

Henry C. Wendler, Dallas

Board of Pardons and Paroles

Mrs. Connie L. Jackson, Dallas

Governor's Commission on Physical Fitness

Dr. Kenneth H. Cooper, Dallas

Texas State Board of Podiatry Examiners

Dr. Roger L. Buehler, Dallas

Public Safety Commission

Charles D. Nash, Travis

Texas Real Estate Commission

Sam Feldt, Harris

Bill Senter, Taylor

Savings and Loan Commissioner of Texas

L. Alvis Vandygriff, Travis

State Securities Board

W. Grogan Lord, Williamson

Statewide Health Coordinating Council

Dr. Jose San Martin III, Bexar

Dr. Louis E. Gibson, Navarro

Ruthmary T. White, Dallas

Texas Surplus Property Agency

C. A. Roberson, Tarrant

Teacher Retirement System, Board of Trustees

Henry M. Bell, Jr., Smith

Advisory Council for Technical-Vocational Education

C. C. (Bill) Elkins, Dallas

Texas Woman's University, Board of Regents

Marcella Perry, Harris

Texas Water Commission

Dorsey Hardeman, Tom Green

Texas Work Furlough Program Advisory Board

William T. Slaton, Sr., Dallas

Fred L. Blair, Sr., Dallas

Texas Youth Council

Ruben Schaeffer, El Paso

Don R. Workman, Lubbock

Confirmed August 8, 1978

Texas Air Control Board

Charles R. Jaynes, McLennan

Jerome Wallace Sorenson, Jr., Brazos

Frank Hawkins Lewis, Matagorda

Brazos River Harbor Navigation District, Branch Pilot

Captain John W. Burns, Brazoria

Captain Kenneth A. Gonzales, Brazoria

Captain Alvin A. Miller, Brazoria

Captain Mark Edwin Hicks, Brazoria

**Brazos Santiago Pass, Bar, and Tributaries
for the Brownsville Navigation District,
Branch Pilot**

Newton R. Prohaska, Cameron

Texas Deepwater Port Authority

Bob Casey, Harris

John S. Chase, Harris

D. Truitt Davis, Taylor

Charles A. Kroll, Brazoria

Pete S. Miller, Galveston

C. W. Richardson, Jefferson

Walter M. Mischer, Sr., Harris

Port of Galveston and Texas City, Pilot Commission

Sam G. Tramonte, Galveston

A. D. Wilkenfeld, Galveston

Captain Julius W. Jockusch, Galveston

Steven J. Schwartz, Galveston

Wallace Dan Flowers, Sr., Galveston

The Ports of Galveston County, Branch Pilot

Captain Charles R. Branch, Galveston

Captain James A. Borup, Galveston

Captain Richard C. McMains, Galveston

Captain William J. Thuerwachter, Galveston

Captain George E. Pizzitola, Galveston

Captain Edgar L. King, Galveston

Captain William R. Kern, Galveston

**Texas Board of Examiners in the Fitting and Dispensing
of Hearing Aids**

Richard C. Durbin, Rockwall
Carl McGovern, Hunt
A. G. Small, Bexar

Lower Colorado River Authority, Board of Directors

Harry Shapiro, San Saba

**Port Aransas Bar, Corpus Christi Bay and Tributaries,
Branch Pilot**

Merlin W. Haydon, Jr., Nueces
Captain James F. Wilkerson, Jr., San Patricio

Sabine Bar, Pass, and Tributaries, Branch Pilots

Captain Theodore R. Morgan, Jefferson
Captain Harold E. Weaver, Jefferson
Captain Robert H. Welch, Jefferson

Sabine Bar, Pass, and Tributaries, Pilot Commission

Julian O. Crooke, Jefferson
Captain William F. Fredeman, Jefferson
C. W. Hubbard, Orange
W. Sam Monroe, Jefferson
Billy G. Turner, Sr., Jefferson

Teacher Retirement System, Board of Trustees

Charles A. Hallmark, Harris
Dewey G. Smith, Jim Wells

2874 OPEN MEETINGS

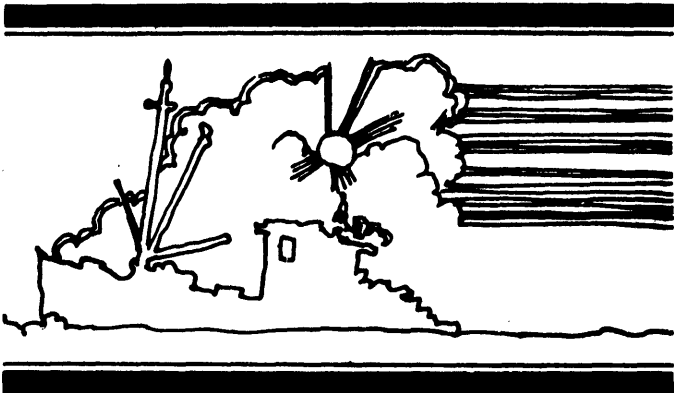
The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must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

Texas Commission on Alcoholism

Wednesday, August 9, 1978, 1:30 p.m. The Texas Commission on Alcoholism held an emergency meeting in Room 510, Sam Houston Building, Austin. As summarized, the commission considered approval of licensing rules, regulations, and standards for alcoholism treatment facilities and the confirmation of a new director of finance. Personnel matters were discussed in an executive session.

Additional information may be obtained from Abe M. Mays, Jr., 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed: August 8, 1978, 8:21 a.m.
Doc. No. 785222



Texas Deepwater Port Authority

Wednesday, August 16, 1978, 1:30 p.m. The Board of Commissioners of the Texas Deepwater Port Authority will meet in Suite 844, 3701 Kirby Drive, Houston, to adopt new

rules; to hear a briefing on application status; and to consider a resolution taking official action regarding issuance of bonds.

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

Filed: August 8, 1978, 9:13 a.m.
Doc. No. 785223

Texas Education Agency

Tuesday, August 15, 1978, 10 a.m. The Foundation School Program Budget Committee of the Texas Education Agency will meet in emergency session in Room 104, LBJ Building, Austin, to revise the Foundation School Program estimates for 1977-78 and 1978-79 school years. The committee is meeting on an emergency basis to revise the estimates as soon after the closing of the special legislative session as possible.

Additional information may be obtained from Raymon Bynum, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-4366.

Filed: August 9, 1978, 3:07 p.m.
Doc. No. 785294

Employees Retirement System of Texas

Monday, August 28, 1978, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at 1800 San Jacinto, Austin, to consider, as summarized in the agenda, actuarial proposal for services for fiscal year ending August 31, 1979; the report on interest distribution; report on occupational deaths and Article 6228f beneficiaries; certification of retirement contributions, insurance participation, employer contributions for Social Security, employer contributions in behalf of employees for Social Security; report of election committee for Group Insurance Advisory Committee; report on appointments to Group Insurance Advisory Committee; adoption of permanent rule; consideration of proposals for actuarial audit; election of chairman and vice chairman; final approval of budget for 1978-79; and any other business.

Additional information may be obtained from Joseph M. Murphy, Jr., P.O. Box 12337, Austin, Texas 78701, telephone (512) 476-6431.

Filed: August 10, 1978, 10:26 a.m.
Doc. No. 785309

Commission on Fire Protection Personnel Standards and Education

Wednesday, August 30, 1978, 1:30 p.m. The Subcommittee on Fire Department Instructors of the Commission on

Fire Protection Personnel Standards and Education has rescheduled its meeting in Suite 122, 8330 Burnet Road, Austin, from August 16, 1978, because of an expected lack of a quorum. The subcommittee will study the possibility of improving and updating the minimum standards for certification of fire department instructors.

Additional information may be obtained from Garland W. Fulbright, Suite 122, 8330 Burnet Road, Austin, Texas 78758, telephone (512) 459-8701.

Filed: August 8, 1978, 2:19 p.m.
Doc. No. 785238

Texas Grain Sorghum Producers Board

Tuesday, August 15, 1978, 10 a.m. The Texas Grain Sorghum Producers Board will meet on the 15th floor of the First National Bank Building, 1500 Broadway, Lubbock, to consider the financial report; the Asian Market Development Report, 1978-79; collections procedures; and other TGSPB business.

Additional information may be obtained from Elbert Harp, 1708-A 15th Street, Lubbock, Texas 79401.

Filed: August 7, 1978, 12:53 p.m.
Doc. No. 785216

Texas Department of Health

Friday, August 18, 1978, 1 p.m. The Texas Statewide Health Coordinating Council of the Texas Department of Health will meet in Room 3-102, Joe C. Thompson Conference Center, 26th and Red River, Austin. The summarized agenda includes committee reports on monitoring and assessment, state health plan review, annual implementation plans, state medical facilities plans, application, budget, and project review; a discussion with Texas Department of Human Resources; a proposed Medicaid legislation resolution; preliminary state health plan update; state medical facilities plan update; and the project development by SHPDA.

Additional information may be obtained from George R. Anderson, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7261.

Filed: August 8, 1978, 2:15 p.m.
Doc. No. 785237

Thursday, September 14, 1978, 9 a.m. The Texas Department of Health will conduct a hearing in Room T-401, 1100 West 49th Street, Austin, to determine if a license to operate a rendering established held by Frank Teel, doing business as C & T Processing, should be revoked.

Additional information may be obtained from Edwin B. Fuller, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7236.

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785299



Texas Health Facilities Commission

Thursday, August 17, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, 1600 West 38th Street, Austin, to consider, as summarized, one application for declaratory ruling and four motions to amend certificates of need.

Additional information may be obtained from Dan McNeary, P.O. Box 15023, Austin, Texas 78761, telephone (512) 476-6940.

Filed: August 9, 1978, 11:53 a.m.
Doc. No. 785283

Thursday, August 24, 1978, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, 1600 West 38th Street, Austin, to consider, as summarized, three applications for certificate of need; one petition for reissuance of certificate of need; five exemption certificates; and two declaratory rulings.

Additional information may be obtained from Dan McNeary, P.O. Box 15023, Austin, Texas 78761, telephone (512) 476-6940.

Filed: August 9, 1978, 11:53 a.m.
Doc. No. 785284

State Board of Insurance

Monday, August 14, 1978, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance held an emergency meeting in Room 343, 1110 San Jacinto Street, Austin, to consider an application for original charter by Germania Insurance Company, Brenham.

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

Filed: August 8, 1978, 10:34 a.m.
Doc. No. 785229

Texas Department of Labor and Standards

Tuesday, September 19, 1978, 10 a.m. The Auctioneer of the Texas Department of Labor and Standards will hold a meeting in Room 503G, Sam Houston Building, 14th and San Jacinto Streets, Austin, to determine whether the application of Donald H. Johnson for a license to auctioneer will be granted or denied pursuant to provisions of Section 7 of Article 8700, Vernon's Texas Civil Statutes.

Additional information may be obtained from the Texas Department of Labor and Standards, Auctioneer Division, P.O. Box 12157, Austin, Texas 78711, telephone (512) 475-4220.

Filed: August 8, 1978, 3:47 p.m.
Doc. No. 785262

Lamar University

Tuesday, August 15, 1978, 1 p.m. The Building and Grounds Committee of the Board of Regents of Lamar University made an emergency addition to the agenda of a meeting to be held in the board room of Plummer Administration Building, Lamar University, Beaumont, to include consideration of bids for buildings and grounds items.

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

Filed: August 8, 1978, 9:24 a.m.
Doc. No. 785225

Tuesday, August 15, 1978, 1:30 p.m. The Board of Regents of Lamar University made an emergency addition to the agenda of a meeting to be held in the board room, Plummer Administration Building, Lamar University, Beaumont, to include consideration of bids for buildings and grounds items.

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

Filed: August 8, 1978, 9:24 a.m.
Doc. No. 785224

Legislative Audit Committee

Friday, August 18, 1978, 8:30 a.m. The Legislative Audit Committee has rescheduled a meeting to be held in Room 301, State Capitol, to consider the operating budget for the State Auditor for fiscal year 1979. This meeting was originally scheduled for August 4, 1978.

Additional information may be obtained from George W. McNeil, P.O. Box 12067, Austin, Texas 78711, telephone (512) 475-4115.

Filed: August 7, 1978, 4:10 p.m.
Doc. No. 785221

Texas State Board of Medical Examiners

Friday through Monday, August 25-28, 1978, 8:30 a.m. The Texas State Board of Medical Examiners will meet at 211 East 7th Street, Austin. The summarized agenda includes consideration of license applications; hearings on possible violations of the Medical Practice Act; presentation of committee reports; public hearing on proposed rule change regarding temporary license issuance; consideration of rule change regarding Educational Council for Foreign Medical Graduates certification waiver for certain programs; and other board business and various licensing matters.

Additional information may be obtained from Jean Davis, 211 East 7th Street, Austin, Texas 78701, telephone (512) 474-6335.

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785304

Texas Department of Mental Health and Mental Retardation

Friday, August 18, 1978, 8:30 a.m. The Committee to Examine Appointees Requiring Board Approval of the Texas Board of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin, to consider the appointment of the deputy commissioner for mental retardation services and deputy commissioner for mental health services.

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

Filed: August 8, 1978, 3:43 p.m.
Doc. No. 785260

Friday, August 18, 1978, 1 p.m. The Business Committee of the Texas Board of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin, to consider the construction of replacement beds for MR in Dallas/Tarrant and Harris/Galveston Counties; San Antonio State Hospital emergency repairs and maintenance to Building 510 and engineer selection; construction unexpended balances to JCAH Life Safety Code Humanization at state hospitals; funds transfer between subitems, fiscal year 1978, central office program support services; quarterly budget additions and revisions, fiscal year 1978; transfer of funds, fiscal year 1979; quarterly budgets for fiscal year 1979; Mexia State School grazing lease; construction—San Angelo Center Recreation Building by volunteer services council; schedule priorities for fiscal year 1980-81 budget request status report.

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

Filed: August 8, 1978, 3:43 p.m.
Doc. No. 785259

Friday, August 18, 1978, 3 p.m. The Program Committee of the Texas Board of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin, to consider CMHMRC Grants-in-Aid, fiscal year 1979; CMHMRC Treatment Contract, fiscal year 1979; proposed changes to rules of the commissioner: 302.03.20; 302.04.34; and 302.04.35.

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

Filed: August 8, 1978, 3:43 p.m.
Doc. No. 785258

Friday, August 18, 1978, 4 p.m. The Executive Committee of the Texas Board of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin, to review legislative issues relating to the department for possible consideration by the 66th Legislature.

Additional information may be obtained from John J. Kavanagh, M.D., P.O. Box 12688, Austin, Texas 78711, telephone (512) 454-3761.

Filed: August 8, 1978, 3:43 p.m.
Doc. No. 785257

Saturday, August 19, 1978, 10 a.m. The Texas Board of Mental Health and Mental Retardation will meet at 909 West 45th Street, Austin. The summarized agenda includes consideration of a presentation by the chair of the volunteer services state council; Mentally Retarded Juvenile Offender Program Status Report; the appointments of the deputy commissioners for mental retardation services and mental health services; construction of replacement beds for mental retardation in Dallas/Tarrant and Harris/Galveston Counties; San Antonio State Hospital emergency repairs and maintenance to Building 510 and engineer selection; construction unexpended balances to JCAH Life Safety Code Humanization at state hospitals; funds transfer between subitems, fiscal year 1978, central office program support services; quarterly budget additions and revisions, fiscal year 1978; transfer of funds, fiscal year 1979; quarterly budgets for fiscal year 1979; Mexia State School grazing lease; construction—San Angelo Center Recreation Building by volunteer services council; schedule priorities for fiscal year 1980-81 budget request status report; CMHMRC Grants in Aid, fiscal year 1979; CMHMRC Treatment Contract, 1979; proposed changes to rules of the commissioner: 302.03.20; 302.04.34; and 302.04.34; and proposed legislation for the 66th Legislature.

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

Filed: August 8, 1978, 3:43 p.m.
Doc. No. 785261

Merit System Council

Friday, August 25, 1978, 1 p.m. The Merit System Council will meet in Room 507, Brown Building, 8th and Colorado Streets, Austin, to review the appeals procedure and its proper utilization during appeals hearings.

Additional information may be obtained from Leo F. Brockmann, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477-9665.

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785300

Texas Optometry Board

Wednesday, August 16, 1978, 8:30 p.m. and Thursday, August 17, 1978, 9 a.m. The Texas Optometry Board will meet at the Hilton Inn, Austin, to consider, as summarized, reports of the secretary-treasurer, committees, and legal council; to discuss Federal Trade Commission rules and regulations; to discuss board examinations and grades of candidates; to consider the cancellation of advertising permit; to discuss possible violations of the Texas Optometry Act; to consider resolutions of TAO chapters in San Antonio; to discuss general matters concerning board interpretation and the attorney general's opinions; to consider the resignation of the chairman of the Investigation-Enforcement Committee; and to witness the appearance of licensee before the board.

Additional information may be obtained from Lois Ewald, Suite H-101, 5555 North Lamar, Austin, Texas 78751, telephone (512) 458-2141 or Tex-An 824-1595.

Filed: August 8, 1978, 4:47 p.m.
Doc. No. 785263

Board of Pardons and Paroles

Monday through Friday, August 21-25, 1978, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. As summarized, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole and procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by the agency; and take action upon gubernatorial directives.

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

Filed: August 8, 1978, 10:32 a.m.
Doc. No. 785228

Texas Parks and Wildlife Commission

Tuesday, August 29, 1978, 2 p.m. The Fisheries Division of the Resources Protection Branch of the Texas Parks and

Wildlife Division will meet in Room A-200, 4200 Smith School Road, Austin, to consider the application of the Brazos Materials Company for a permit to remove approximately 80,000 cubic yards of sand and 20,000 cubic yards of gravel per month by means of a floating suction dredge from the Brazos River for commercial use. Location of the proposed operation is approximately four and a quarter miles northwest of Simonton. The area to be dredged extends north from River Mile 139 for approximately 2,500 feet on the west side of the Brazos River in Austin County.

Additional information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: August 9, 1978, 1:46 p.m.
Doc. No. 785288



Public Utility Commission of Texas

Monday, August 21, 1978, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek, Austin, to consider Docket 2024, an inquiry by the Public Utility Commission into propriety of service termination and legality of rates charged by Dan Roberts Water System within Hays County.

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

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785302

Thursday, August 24, 1978, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek, Austin, to conduct a hearing on Docket 1808, concerning the merits of the application of Southwestern Public Service Company to amend its certificate of convenience and necessary for a proposed transmission line in Hale and Lubbock Counties.

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

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785303

Wednesday, August 30, 1978, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek, Austin, to conduct a hearing on Docket 1755, concerning the merits of the application of Estates Utilities for authority to change rates in Hays County.

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

Filed: August 10, 1978, 9:59 a.m.
Doc. No. 785301

Railroad Commission of Texas

Wednesday, August 9, 1978, 3 p.m. The Transportation Division of the Railroad Commission of Texas met in emergency session in the 10th floor conference room of the E. O. Thompson Building, Austin, to consider a proposed emergency rule to permit any certified mobile home carrier in Texas to transport mobile homes from any point in Texas to any point in the disaster area resulting from the recent floods. This matter is being considered on an emergency basis because of the imminent peril to the public health, safety, and welfare caused by the loss of homes during recent flooding in the state.

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

Filed: August 9, 1978, 11:20 a.m.
Doc. No. 785282

Texas State Board of Examiners in Social Psychotherapy

Saturday, August 19, 1978, 1 p.m. The Texas State Board of Examiners in Social Psychotherapy will meet in Room T-604, 1100 West 49th Street, Austin. As summarized, the meeting will include: executive secretary's report; matters relating to the licensure examination; continuing education requirements; Application Screening Committee report; and matters pertaining to the licensure, regulation, and practice of social psychotherapy.

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

Filed: August 9, 1978, 3:47 p.m.
Doc. No. 785295

Texas Surplus Property Agency

Thursday, August 17, 1978, 10 a.m. The governing board of the Texas Surplus Property Agency will meet in Room 1400, Electric Service Building, Fort Worth, to consider, as summarized, approval of the fiscal year 1977-78 budget revision; the fiscal year 1978-79 budget; discussion of Fort Worth district move to other facilities; and other routine board business.

Additional information may be obtained from Robert A. Davis, Jr., P.O. Box 8120, San Antonio, Texas 78208, telephone (512) 661-2381.

Filed: August 8, 1978, 9:24 a.m.
Doc. No. 785226

Tax Assessor Examiners Board

Wednesday, September 6, 1978, 10 a.m. The Tax Assessor Examiners Board will meet in Suite 500, 3301 Northland Drive, Austin, to receive applications for examination and application reports; to discuss the budget for 1979-81; to discuss the treasurer's report and other business; and to meet in executive session.

Additional information may be obtained from Carl S. Smith, 301 San Jacinto, Houston, Texas 77002, telephone (713) 221-5288.

Filed: August 7, 1978, 11:50 a.m.
Doc. No. 785215

Teacher Retirement System of Texas

Friday, August 11, 1978, 10 a.m. The Board of Trustees of the Teacher Retirement System of Texas made an emergency addition to the agenda of a meeting to be held at 1001 Trinity, Austin, to include consideration of the election procedures to nominate candidates for appointment to the trustee vacancy.

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

Filed: August 9, 1978, 5 p.m.
Doc. No. 785297

Texas State University System

Thursday, August 24, 1978, 1:30 p.m. The Building Committee of the Board of Regents of the Texas State University System will meet on the second floor of the Bryan Wildenthal Memorial Library, Sul Ross State University, Alpine, to review construction projects and documents for the four universities in the system, as summarized in the agenda.

Additional information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3876.

Filed: August 9, 1978, 9:35 a.m.
Doc. No. 785268

Thursday, August 24, 1978, 3:30 p.m. The Curriculum Committee of the Board of Regents of the Texas State University System will meet on the second floor of the Bryan Wildenthal Memorial Library, Sul Ross State University, Alpine, to review curriculum needs and requests of the four universities in the system.

Additional information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3876.

Filed: August 9, 1978, 9:35 a.m.
Doc. No. 785269

Thursday, August 24, 1978, 4 p.m. The Finance Committee of the Board of Regents of the Texas State University System will meet on the second floor of the Bryan Wildenthal Memorial Library, Sul Ross State University, Alpine, to review financial matters for the system and the four universities in the system.

Additional information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3876.

Filed: August 9, 1978, 9:35 a.m.
Doc. No. 785270

Friday, August 25, 1978, 9 a.m. The Board of Regents of the Texas State University System will meet on the second floor of the Bryan Wildenthal Memorial Library, Sul Ross State University, Alpine, to review matters of the board and the four universities in the system, as summarized in the agenda.

Additional information may be obtained from Lamar G. Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3876.

Filed: August 9, 1978, 9:35 a.m.
Doc. No. 785271

Veterans Land Board

Thursday, August 17, 1978, 2 p.m. The Veterans Land Board will meet in Room 831, Stephen F. Austin Building, Austin, to consider, as summarized, the report of the executive secretary, requests for extensions, and/or new application forms.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed: August 7, 1978, 4:50 p.m.
Doc. No. 785220

Texas Water Commission

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3226) of Dean Word Company for a temporary permit to divert and use three acre-feet of water for a two-year period from Guadalupe River, Guadalupe River Basin, for industrial purposes in Comal County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785251

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3211) of M. E. Ruby, Jr., Inc., for a temporary permit to divert and use 40 acre-feet of water for an 18-month period from Woodward Creek, Ralston Creek, New Year Creek, Brazos River, Brazos River Basin, for industrial purposes in Washington County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785245

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3218) of Moore Construction Company, Inc., for a temporary permit to divert and use one acre-foot of water for a three-year period from Angelina River, Neches River, Neches River Basin, for industrial purposes in Rusk County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785255

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3219) of Borsberry Construction Company for a temporary permit to divert and use 37 acre-feet of water for a two-year period from Silver Creek, Sweetwater Creek (out of state), Red River, Red River Basin, for industrial purposes in Wheeler County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785256

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized, the application (TA-3224) of Pit Construction Company for a temporary permit to divert and use one acre-foot of water for a two-year period from Toledo Bend Reservoir on Sabine River, Sabine River Basin, for industrial purposes in Sabine County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785247

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized, the application (TA-3225) of Pit Construction Company for a temporary permit to divert and use two acre-feet of water for a two-year period from Sam Rayburn Reservoir on the Angelina River, Neches River, Neches River Basin, for industrial purposes in Sabine County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785250

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3227) of Dean Word Company for a temporary permit to divert and use 31 acre-feet of water for a three-year period from Guadalupe River, Guadalupe River Basin, for industrial purposes in Comal County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785253

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized, the application (TA-3228) of South Texas Construction Company for a temporary permit to divert and use 20 acre-feet of water for a three-year period from Atascosa River, Frio River, Nueces River, Nueces River Basin, for industrial purposes in Live Oak County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785248

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized, the application (TA-3230) of Coastal States Crude Gathering Company for a temporary permit to divert and use 7200 acre-feet of water for a three-year period from Corpus Christi Ship Channel, Nueces-Rio Grande Coastal Basin, for industrial purposes in Nueces County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785248

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3234) of Indian Mound Nursery for a temporary permit to divert and use 200 acre-feet of water for a three-year period from Neches River, Neches River Basin, for industrial purposes in Cherokee County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785252

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3239) of McKnight Construction Company for a permit to divert and use eight acre-feet of water for a three-year period from a reservoir on an unnamed tributary of Stillhouse Creek, Pine Creek, Red River, Red River Basin, for industrial purposes in Lamar County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785244

Monday, August 21, 1978, 9:30 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (TA-3240) of M. E. Ruby, Jr., for a temporary permit to divert and use 25 acre-feet of water for an 18-month period from San Geronimo Creek, Medina River, San Antonio River, San Antonio River Basin for industrial purposes in Bexar County.

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

Filed: August 8, 1978, 3:20 p.m.
Doc. No. 785254

Wednesday, August 30, 1978, 9 a.m. The Texas Water Commission will meet in Room 124-A, Stephen F. Austin Building, Austin, for a hearing to consider, as summarized, an application by Coastal States Crude Gathering Company (Dock 11 Heat Exchanger), Corpus Christi, for a permit to authorize a discharge of a volume of wastewater not to exceed an average of 10,000,000 gallons per day from its pumping station handling liquefied petroleum gas.

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

Filed: August 9, 1978, 2:15 p.m.
Doc. No. 785290

Thursday, August 31, 1978, 10 a.m. The Texas Water Commission will meet in Council Chamber, 119 Palo Pinto Street, Weatherford, for a hearing to consider, as summarized, a request by the City of Graham for an amendment to Permit 10487 to accommodate the construction of a new treatment facility in Young County.

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

Filed: August 9, 1978, 2:16 p.m.
Doc. No. 785291

Thursday, August 31, 1978, 10 a.m. The Texas Water Commission will meet in Council Chamber, 119 Palo Pinto Street, Weatherford, for a hearing to consider, as summarized, a request by the City of Briar Oaks for a permit to allow for a discharge of domestic sewage effluent from a sewage treatment plant to serve a population equivalent to 710 people in Johnson County.

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

Filed: August 9, 1978, 2:16 p.m.
Doc. No. 785292

Thursday, August 31, 1978, 10 a.m. The Texas Water Commission will meet in Council Chamber, 119 Palo Pinto Street, Weatherford, for a hearing to consider, as summarized, a request by Texas Industries, Inc. (Tin Top Sand and Gravel), Dallas, for a permit to allow for a discharge not to exceed an average flow of 3,600,000 gallons per day of industrial wastewater effluent from the sand and gravel mine located on each side of the Brazos River in Parker County.

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

Filed: August 9, 1978, 2:16 p.m.
Doc. No. 785293

Friday, September 1, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by the Hidalgo County Water Improvement District No. 3. As summarized, the applicant seeks an amendment to Certificate of Adjudication No. 23-465 to change the purpose of use of 2400 acres of Class A water rights from irrigation to municipal use within the district's boundaries.

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

Filed: August 1, 1978, 3:33 p.m.
Doc. No. 785098

Friday, September 1, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by S. M. Frazier, S. Mike Frazier, O. Howard Frazier, and Marilyn Braun (Application No. 3102A). As summarized, the applicants seek an amendment to increase the amount of water authorized for irrigation from Dry Branch, Brazos River Basin, to increase the acreage to be irrigated and the maximum diversion rate from 0.56 cfs (250 gpm) to 1.1 cfs (500 gpm) in Erath County.

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

Filed: July 25, 1978, 3:10 p.m.
Doc. No. 784954

Friday, September 1, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by the City of San Antonio. As summarized, the applicant seeks a permit to modify and maintain an existing dam on Olmos Creek, tributary San Antonio River, which will be used as a flood control structure to retard not to exceed 14,200 acre-feet of storm and floodwater in Bexar County.

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

Filed: July 25, 1978, 3:11 p.m.
Doc. No. 784952

Wednesday, September 6, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Gulf Oil Chemicals Company. As summarized, the applicant seeks a permit to construct an off-channel reservoir and impound water from the Guadalupe River, Guadalupe River Basin in Victoria County and to directly divert into the proposed off-channel reservoir from the

Guadalupe River and to circulate the water through a chemical plant for industrial purposes (process water).

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

Filed: July 25, 1978, 3:10 p.m.
Doc. No. 784953

Friday, September 8, 1978, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application (3889) of W. P. Cotulla for a permit to maintain a reservoir on an unnamed tributary of Nueces River, Nueces River Basin, to impound therein not to exceed 108 acre-feet of water and to use the water for recreational purposes in La Salle County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785243

Thursday, September 14, 1978, 10 a.m. The Texas Water Commission will conduct an adjudicative hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, on the application of Conservation Management, Inc., for constructing certain improvements on Cypress Creek, a tributary of Spring Creek in Harris County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785242

Friday, September 15, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by McPeak Springlake Ranch, Inc. (Application No. 3899). As summarized, the applicant seeks a permit to maintain a dam and 45 acre-foot capacity reservoir on an unnamed tributary Bean's Creek, tributary Box Creek, tributary Neches River, and to divert and use 40 acre-feet of water per annum for the irrigation of 86 acres in Cherokee County.

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

Filed: August 1, 1978, 3:33 p.m.
Doc. No. 785096

Friday, September 15, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Woodcreek Resort, Inc. As summarized, the applicant seeks an amendment to Permit No. 3120A to authorize the maintenance of a dam and 5 acre-foot capacity reservoir on Hog Creek, tributary Cypress Creek, tributary of Blanco River, tributary San Marcos River, tributary

Guadalupe River, Guadalupe River Basin, and the diversion and use therefrom of 200 acre-feet of water per annum for irrigation purposes in Hays County.

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

Filed: August 1, 1978, 3:33 p.m.
Doc. No. 785097

Friday, September 15, 1978, 10 a.m. The Texas Water Commission will conduct a hearing in the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application by Palo Duro River Authority of Texas. As summarized, the applicant seeks an extension of time for commencement of construction of work on a dam and 60,900 acre-foot capacity reservoir on Palo Duro Creek, tributary of North Canadian River, tributary Canadian River, Canadian River Basin, for municipal and recreational purposes in Hansford County.

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

Filed: August 1, 1978, 3:33 p.m.
Doc. No. 785099

Monday, September 18, 1978, 2 p.m. The Texas Water Commission will conduct hearings in the main auditorium, Civic Center, 400 East Main, Uvalde, regarding the adjudication of claims in the Frio-Atascosa Rivers Watershed, as summarized in the agenda. Claimants will be appear at the following times: Monday, September 18, 2 p.m.; Tuesday, September 19, 9 a.m.; Wednesday, September 20, 9 a.m.; Thursday, September 21, 9 a.m.; and Friday, September 22, 9 a.m.

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

Filed: August 1, 1978, 3:33 p.m.
Doc. No. 785100

Friday, November 3, 1978, 10 a.m. The Texas Water Commission will conduct an adjudicative hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application of Jackson County County-Wide Drainage District. The district is seeking approval of preliminary plans for constructing improvements on Haynes Road Ditch, which discharges into an unnamed tributary of the Navidad River in Jackson County, to provide drainage for agricultural lands.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785239

Friday, November 3, 1978, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin

Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, the application by Southwest Texas State University for approval of preliminary plans for constructing certain improvements along the San Marcos River, tributary of Guadalupe River, Hays County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785240

Friday, November 3, 1978, 10 a.m. The Texas Water Commission will conduct a hearing at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider, as summarized on the agenda, an application by the City of Houston for approval of preliminary plans for constructing certain improvements on Luce Bayou, tributary of West Fork San Jacinto River, Liberty County.

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

Filed: August 8, 1978, 3:21 p.m.
Doc. No. 785241

Texas Water Development Board

Tuesday, August 15, 1978, 8:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, Austin, to consider the report on present status of the Development Fund; changes to loan commitment for Huntsville Regional Water Supply Facility; financial assistance by Palo Pinto MWD No. 1 for financing area water demand study; the policy and legality of the board's investment under the Water Facilities Acquisition Program; amendment to resolution authorizing \$1,500,000 Cameron County WSD No. 1 to allow a reduction in tap fee requirements; San Jacinto River Authority's request to purchase board's interest in Lake Conroe; request for financial assistance by City of Round Rock; present status of Federal Construction Grant Program; approval of State of Texas Water Quality Management Program for fiscal year 1979; approval of certification of Volumes I, II, and III of San Antonio 208 Areawide Waste Treatment Management Plan; approval of state-EPA agreement; approval of payable contracts for work in joint TDWR-USGS study of High Plains Ground Water Resources; and approval of payable contracts for laboratory services with Sabine River Authority, Corpus Christi/Nueces County Health Department, and Texas State Department of Health.

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

Filed: August 7, 1978, 4:38 p.m.
Doc. No. 785218

West Texas State University

Thursday, August 17, 1978, 10 a.m. The Board of Regents of West Texas State University will hold a meeting in Room 216, Activities Center, Canyon, to consider an increase in levy of general use fee; a report on intercollegiate athletics; president's report; and, in executive session, personnel matters.

Additional information may be obtained from Texas Smith, Box 997, Canyon, Texas 79016, telephone (806) 3962.

Filed: August 10, 1978, 10:12 a.m.
Doc. No. 785308



Regional Agencies

Meetings Filed August 8, 1978

The Austin/Travis County MH/MR, Operations Committee, met at 1705 Guadalupe, Austin, on August 11, 1978, at noon. Further information may be obtained from Dan Dierschke, 1430 Collier, Austin, Texas 78704, telephone (512) 447-4141.

The Central Counties Center for MH/MR Services, Board of Directors, will meet at 302 South 22nd, Temple, on August 17, 1978, at 7 p.m. Further information may be obtained from Steven Schnee, P.O. Box 1025, Temple, Texas 76501, telephone (817) 778-4841.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on August 17, 1978, at 10:30 a.m. Further information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on August 15, 1978, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Drawer 3664, Beaumont, Texas 77704.

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, met in the city council chambers, Uvalde, on August 10, 1978, at 11 a.m. and will meet in the Del Rio Civic Center, Del Rio, on August 15, 1978, at 10 a.m. The Advisory Committee on Aging met in the Uvalde Civic Center, Uvalde, on August 14, 1978, at 2 p.m. The Regional Manpower Advisory Committee will meet in the Civic Center Auditorium, Uvalde, on August 17, 1978, at 2:30 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

The San Antonio River Authority, Board of Directors, and the San Antonio River Authority Employees Retirement Trust, Board of Trustees, will meet in the conference room at 100 East Guenther, San Antonio, on August 16, 1978, at 2 p.m. Further information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, telephone (512) 227-1373.

The South Texas Development Council, Human Resources Advisory Committee, will meet in the Zapata Community Center, Zapata, on August 15, 1978, at 10 a.m. Further information may be obtained from Adriana Rodriguez, P.O. Box 1287, Laredo, Texas 78041, telephone (512) 722-3995.

Doc. No. 785227

Meetings Filed August 9, 1978

The Brazos Valley MH/MR Center, Board of Trustees, will meet in the board room, 202 East 27th, Bryan, on August 17, 1978, at 4 p.m. Further information may be obtained from Linda S. Davis, 202 East 27th, Bryan, Texas 77801, telephone (713) 779-2000.

The North Texas Municipal Water District, Board of Directors, will meet in the administrative offices, Central Plant, Highway 78 East, Wylie, on August 24, 1978, at 4 p.m. Further information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, extension 26.

Doc. No. 785272

MANUFACTURING



Texas Air Control Board Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received July 24-28, 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, 8320 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 28, 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.

E. I. Dupont De Nemours and Co., Inc., La Porte; chloroneb manufacturing facility; Harris County; C-6736; new source

Geosource Inc., Flow Measurement and Control Division, Houston; sandblasting/spray painting facility; 13223 Spencer Road; C-6735; new source

Dresser Industries, Inc., Brownsville; bulk storage tank—barite ore; Cameron County; C-6734; new source

Halliburton Services, Jacksboro; bulk cement handling plant; 634 Depot Street; C-1922B; modification

Union Carbide Corp., Chemicals and Plastics, Texas City; No. 3 olefins unit waste heat boiler replacement; Galveston County; C-6733; modification

Union Carbide Corp., Chemicals and Plastics, Texas City; No. 36 steam superheater at No. 3 powerhouse; 3301 5th Avenue South; C-6732; new source

MLM Aluminum Recycling, Springtown; aluminum; Route 2; C-6740; new source

U.S. Fiber Corp., Denison; cellulose manufacturing facility; 700 West Coffin Street, Plant No. 14; C-6739; new source

Mobil Oil Corp., Cayanosa; crude oil treating and storage; E. P. Sibley Lease; C-6738; modification

Green Thumb Corp., Division of Ralston Purina, Madisonville; soil storage and processing area; Highway 75 South; C-3664A; modification

Quenell Enterprises, Inc., Garland; lead powder manufacturing system; 3868 Miller Park Drive; C-6737; new source

Dow Chemical Co. U.S.A., Clute; polyethylene iii (HDPE) unit; B-27 Block; C-6744; modification

Dow Chemical U.S.A., Lake Jackson; hydrocarbon recovery unit; Brazoria County; C-6743; new source

Wonder Life Enterprises, Inc., Bryan; custom feed blending facilities; Highway 21 West; C-6742; new source

U.S. Air Force, San Antonio; emergency power plant; Randolph Air Force Base; C-6741; new source

El Paso Products Co., Corpus Christi; butadiene extraction plant; Nueces County; C-6745; new source

Owens-Illinois, Inc., Orange; power for industry (PFI) power boiler; Old Highway 87; C-5993A; new source

Conroe Concrete, Inc., Conroe; manufacture and deliver ready-mix concrete unit; FM 2854; C-6749; new source

Celanese Chemical Co., Inc., Bishop; weak formaldehyde recovery unit; Nueces County; C-6750; modification

Baylor Co., Sugar Land; blasting and coating facility; Fort Bend County; C-6751; new source

Austin Bridge Co., Houston; dry batch plant for concrete paving; Harris County; C-6746; new source

Cloud Corp., Pawelekville; rock crusher; SanStone Quarry; C-6747; new source

Champlin Petroleum Co., Corpus Christi; LSR naphtha merox unit; 1801 Nueces Bay Boulevard; C-6748; new source

Diamond Shamrock Corp., Sunray; storage tanks; McKee Plant; C-6752; new source

Shell Oil Co., Deer Park; synthesis gas plant; Harris County; C-6725; new source

Shell Oil Co., Deer Park; butyl/octyl alcohol unit; Harris County; C-6726; new source

Shell Oil Co., Deer Park; detergent range olefins unit; Harris County; C-6727; new source

Shell Oil Co., Deer Park; detergent range alcohols; Harris County; C-6728; new source

Go-Crete Concrete Co., Dallas; concrete batch plant; Loop 12 and IH 45; C-6731; modification

Gulf Oil Corp., Barnhart; oil lease tank battery and sate-lite; State V.D. Lease No. 1; C-6730; new source

International Paper Co., Henderson Rusk; lumber dry kilns; Rusk County; C-6729; new source

Bell Salvage Co., Temple; aluminum reclaiming; South Highway 190; C-4166A; new source

Southwest Seed and Delinting Co., Tahoka; cottonseed delinting (acid); Lynn County; C-6724; new source

Issued in Austin, Texas, on August 4, 1978.

Doc. No. 785192 John B. Turney
Hearing Examiner
Texas Air Control Board

Filed: August 4, 1978, 2:35 p.m.

For further information, please call (512) 451-5711, ext. 354.

Texas State Commission for the Blind

Retraction of Consultant Proposal Request

The Texas State Commission for the Blind retracts its consultant proposal request published in the *Texas Register* on July 21, 1978 (3 TexReg 2506). Firms who responded to the publication will be contacted by agency to discuss the reasons for cancellation of the request for proposal. Any questions concerning this retraction should be addressed to George Patrick, acting state supervisor, MH/MR Division, Texas State Commission for the Blind, P.O. Box 12866, Austin, Texas 78711, or telephone at (512) 475-6482. The agency wishes to publicly apologize to any respondents who may have been inconvenienced as a result of publication of the request for proposal.

Issued in Austin, Texas, on July 31, 1978.

Doc. No. 785219 George Patrick, State Supervisor
MH/MR Division
Texas State Commission for the Blind

Filed: August 7, 1978, 2:20 p.m.

For further information, please call (512) 475-6484.

Comptroller of Public Accounts

Administrative Decisions

Summary of Administrative Decision 9873

Summary of Decision: If a vendor's receipts from sales of beer exceed five percent of his total receipts, he does not

qualify as a "retail grocer" as that term is defined in Article 20.05(I)(1)(c) and not qualified to use the 15 percent optional reporting method for sales and use tax purposes (Texas Taxation—General Annotated, Article 20.05(I)).

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

Doc. No. 785281

Summary of Administrative Decision 10041

Summary of Decision: The comptroller is not required to file a lien against the seller of a business as a prerequisite to imposing the sales tax liability of the seller against the purchaser as a successor to the business (Texas Taxation—General Annotated, Article 20.09(I)).

For copies of recent opinions selected and summarized by the Legal Services Division, contact Harriet Burke, Legal Services Division, P.O. Box 13528, Austin, Texas 78711. Copies will be edited to comply with confidentiality statutes.

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

Doc. No. 785280 Harriet D. Burke
Hearings Section
Comptroller of Public Accounts

Filed: August 9, 1978, 11:16 a.m.

For further information, please call (512) 475-2148.

Office of the Governor

Application for Grant Award

The Office of the Governor, Budget and Planning Office, has applied to the Department of Labor for a grant which would provide funds in keeping with Section 107 of the Comprehensive Employment and Training Act, to support the State Manpower Services Council. This grant also provides for continuation of vocational education programs funded under Section 112 of the Comprehensive Employment and Training Act. The total funding of this grant application is \$939,600.

This grant request may be reviewed beginning August 21, 1978, between the hours of 8 a.m. and 5 p.m., Monday through Friday, in the Governor's Budget and Planning Office, Room 702, Executive Office Building, 411 West 13th Street, Austin, Texas, telephone (512) 475-6173.

Issued in Austin, Texas, on August 8, 1978.

Doc. No. 785273 Edgar Chew
Office of the Governor

Filed: August 9, 1978, 9:53 a.m.

For further information, please call (512) 475-6173.

Texas Health Facilities Commission

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 which has been filed with the commission.

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.

Corpus Christi State School, Corpus Christi
AA77-0926-004R (080478)

CN—Petition for reissuance of CN for the construction of a physical and occupational therapy center on the campus of the Corpus Christi State School.

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

Doc. No. 785285 Dan R. McNery
 General Counsel
 Texas Health Facilities Commission

Filed: August 9, 1978, 11:53 a.m.

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

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