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Volume 4, Number 7, January 23, 1979

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TEXAS DOCUMENTS

# TEXAS REGISTER

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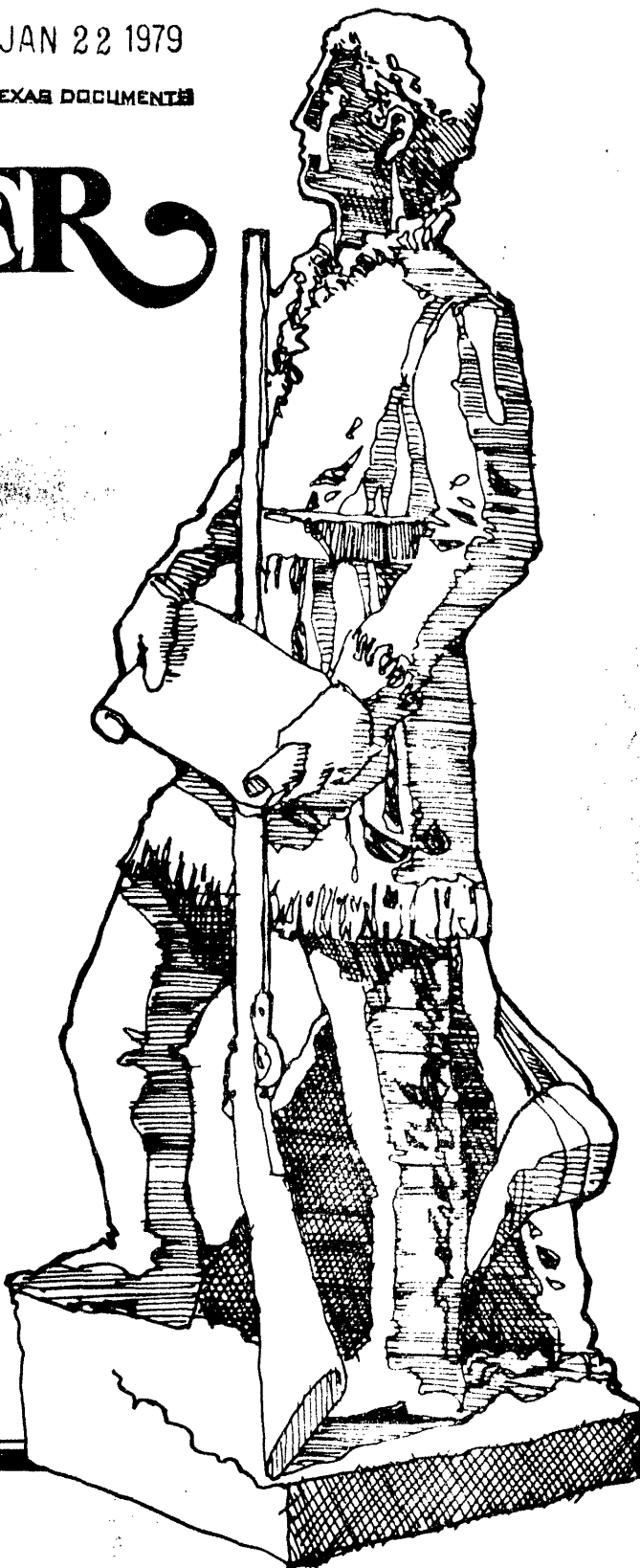
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Office of the Secretary of State

USPS Publication Number 120090

# NOTES ON THE ISSUE

In response to federal changes in regulations and funding for voluntary sterilization, the Texas Department of Human Resources has repealed two rules and amended another on family planning. The United States Department of Health, Education, and Welfare recently amended a regulation governing funding for voluntary sterilization. Through its adoptions, the department is following more extensive procedures to ensure that sterilizations are truly voluntary and that the patient has been fully informed of the operation and its effects. Patient consent must be received at least 30 days prior to the operation, instead of the previously required 72 hours. Other revisions exclude certain persons from the ability to consent to the operation, such as those under the influence of drugs or institutionalized in a correctional facility or mental hospital. The federally mandated effective date of the revisions is February 6, 1979.

*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

The *Texas Register* is published twice weekly, at least 100 times a year, except March 9, June 1, November 27, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 12887, Austin, Texas 78711, telephone (512) 475-7886.

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.

Subscriptions are \$25 for one year. Back issues, when available, are \$1 each.

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POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 12887, Austin, Texas 78711.



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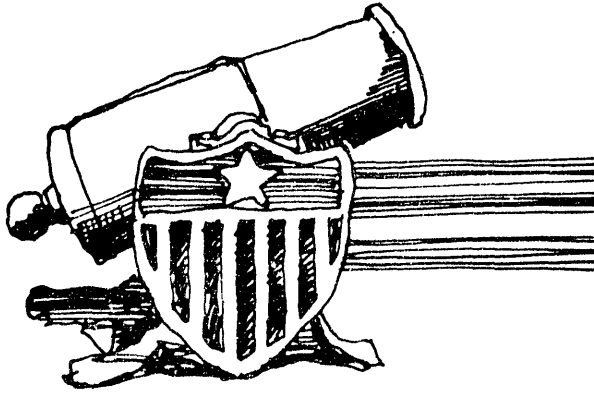
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## Appointments

The following appointments have been submitted to the Senate of the 66th Legislature, Regular Session, for confirmation:

### Texas Aeronautics Commission

*To be members for six-year terms to expire December 31, 1984:*

Lucien Flournoy of Alice, Jim Wells County, is being reappointed.

James M. Johnson of Austin, Travis County, is replacing David A. Witts of Dallas, Dallas County, whose term has expired.

### Governor's Committee on Aging

*To be a member for a six-year term to expire August 30, 1983:*

W. L. "Pup" Kindle of Austin, Travis County, is being reappointed.

### Texas Air Control Board

*To be a member for a six-year term to expire September 1, 1983:*

Otto Kunze of College Station, Brazos County, is replacing Jerome Wallace Sorenson, Jr., of College Station, Brazos County, who resigned.

### Texas Animal Health Commission

*To be a member for a six-year term to expire September 6, 1979:*

James D. Sartwelle, Sr., of Sealy, Austin County, is replacing Norman Moser of DeKalb, Bowie County, who resigned.

The governor is designating John B. Armstrong of Kingsville, Kleberg County, as chairman of the Animal Health Commission.

### Texas Commission on the Arts and Humanities

*To be members for six-year terms to expire August 31, 1979:*

Walter Mathis of San Antonio, Bexar County, will replace John Ben Shepperd of Odessa, Ector County, who resigned.

Francis A. Morris, Jr., of Austin, Travis County, will replace William E. Burford of Dallas, Dallas County, who resigned.

### Texas Coordinating Commission for State Health and Welfare Services

*To be members for two-year terms to expire December 31, 1980:*

G. E. Engelman of Fort Worth, Tarrant County, is being reappointed.

Cecil G. Harold of Houston, Harris County, is being reappointed.

Per H. Langsjoen of Temple, Bell County, is being reappointed.

### Texas Employment Commission

*To be a member for a six-year term to expire November 21, 1980:*

A. C. Shirley of Manor, Travis County, is replacing Joe Gunn of Madisonville, Madison County, who resigned.

### 330th Family District Court of Texas

*To be judge, Dallas County, until the next general election and until his successor shall be duly elected and qualified:*

Steven G. Condos of Dallas, Dallas County, is being reappointed.

### Texas Board of Health

*To be a member for a six-year term to expire February 1, 1979:*

E. Jack Brown of Lubbock, Lubbock County, is replacing Royce E. Wisenbaker of Tyler, Smith County, who resigned.

### Texas Historical Commission

*To be members for six-year terms to expire January 1, 1985:*

Barney Davis of Somerville, Burleson County, is being reappointed.

George Christian of Austin, Travis County, is replacing Mrs. Wesley Blankenship of Lubbock, Lubbock County, whose term has expired.

Woodrow Glasscock, Jr., of Hondo, Medina County, is replacing William A. Harris of San Antonio, Bexar County, whose term has expired.

Henry Van De Walle, Sr., of San Antonio, Bexar County, is replacing Mrs. Dan S. Petty of Dallas, Dallas County, whose term has expired.

Virginia Long of Kilgore, Gregg County, is replacing Mrs. J. Douglass Tooles, Sr., of Houston, Harris County, whose term has expired.

Dan Willis of Fort Worth, Tarrant County, is replacing John Beretta of San Antonio, Bexar County, whose term has expired.

## Texas Advisory Commission on Intergovernmental Relations

*To be a member for a six-year term to expire September 1, 1979:*

David Brune of Arlington, Tarrant County, is replacing Paul H. Story of Irving, Dallas County, who resigned.

*To be a member for a six-year term to expire September 1, 1983:*

James D. Dannenbaum of Houston, Harris County, is being reappointed.

## 44th Judicial District of Texas

*To be judge, Dallas County, until the next general election and until his successor shall be duly elected and qualified:*

P. Oswin Chrisman of Dallas, Dallas County, is being reappointed.

## 113th Judicial District of Texas

*To be judge, Harris County, until the next general election and until his successor shall be duly elected and qualified:*

John Ray Harrison of Houston, Harris County, is being reappointed.

## 133rd Judicial District of Texas

*To be judge, Harris County, until the next general election and until his successor shall be duly elected and qualified:*

Robert S. Webb III of Houston, Harris County, is being reappointed.

## 191st Judicial District of Texas

*To be judge, Dallas County, until the next general election and until her successor shall be duly elected and qualified:*

Joan T. Winn of Dallas, Dallas County, is being reappointed.

## Lavaca County Flood Control District No. 3

*To be a member of the Board of Directors for a two-year term to expire January 1, 1981:*

Jerome I. Kocian of Hallettsville, Lavaca County, is being reappointed.

## Texas Library and Historical Commission

*To be a member for a six-year term to expire September 28, 1981:*

Lucian L. Morrison of San Antonio, Bexar County, is replacing Don Scarbrough of Georgetown, Williamson County, who resigned.

## Lower Colorado River Authority

*To be members of the Board of Directors for six-year terms to expire January 1, 1985:*

E. B. "Tex" Mayer of La Grange, Fayette County, is replacing Charles Jungmichel of La Grange, Fayette County, whose term expired.

B. L. Parker of Bastrop, Bastrop County, is replacing Cecil B. Long of Bastrop, Bastrop County, whose term expired.

Thomas H. Dean of Cherokee, Cherokee County, is being reappointed.

Bert L. Huebner of Bay City, Matagorda County, is replacing Eli Mayfield of Palacios, Matagorda County, whose term expired.

## Texas Board of Mental Health and Mental Retardation

*To be a member for a six-year term to expire January 31, 1983:*

A. L. Mangham, Jr., of Nacogdoches, Nacogdoches County, is replacing Olin B. Gober of Temple, Bell County, who is deceased.

## Texas Motor Vehicle Commission

*To be a member for a six-year term to expire September 1, 1983:*

Bill J. Rogers of Midland, Midland County, is replacing Gordon Bailey, Sr., of Fort Worth, Tarrant County, who resigned.

## Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission

*To be members for six-year terms to expire February 1, 1981:*

Jacob W. Hershey of Houston, Harris County, is replacing Forbes Mann of Washington, D.C., whose term has expired.

Philip O'Bryan Montgomery, Jr., of Dallas, Dallas County, is replacing Walter N. Corrigan of San Antonio, Bexar County, whose term has expired.

*To be members for six-year terms to expire February 1, 1983:*

William Wareing of Fredericksburg, Gillespie County, is replacing Dallas F. Jordan of Dallas, Dallas County, whose term has expired.

Floyd Schneider of San Antonio, Bexar County, is replacing William B. Alderman of Austin, Travis County, whose term has expired.

## Board of Pardons and Paroles

*To be a member for a six-year term to expire January 31, 1983:*

Ruben Torres of Port Isabel, Cameron County is replacing Clyde Whiteside of Austin, Travis County, whose term expired.

## Produce Recovery Fund Board

*To be a member for a six-year term to expire January 1, 1985:*

Curt Cargile of Uvalde, Uvalde County, is replacing Henry L. Van De Walle, Sr., of San Antonio, Bexar County, whose term has expired.

## San Jacinto Historical Advisory Board

*To be a member for a six-year term to expire September 1, 1983:*

Frank E. Tritico of Houston, Harris County, is replacing Ben Blanton of Houston, Harris County, who is deceased.

## Teachers Professional Practices Commission

*To be a member for a three-year term to expire August 31, 1979:*

John F. Townley of Irving, Dallas County, is replacing Leo D. Bradley of Springbranch, Harris County, who resigned.

*To be members for three-year terms to expire August 31, 1981:*

Charles Felix Gibson of Paris, Lamar County, is replacing Bobby R. Walters of Paris, Lamar County, whose term has expired.

Christine Odom of Killeen, Bell County, is replacing Mrs. Jimmy Dixon of Bryan, Brazos County, whose term has expired.

Pamela Horton of Austin, Travis County, is replacing David R. Walvoord of Amarillo, Potter County, whose term has expired.

Dolores F. Valadez of Mission, Hidalgo County, is replacing Carol Sue Gray of Longview, Gregg County, whose term has expired.

Carolyn Harrell of Gonzales, Gonzales County, is replacing Sherry Lizcano of Laredo, Webb County, whose term has expired.

## University System of South Texas

*To be a member of the Board of Directors for a six-year term to expire August 31, 1983:*

Joe Bishop of Arlington, Tarrant County, is replacing George Fred Rhodes of Port Lavaca, Calhoun County, whose term expired.

## Texas A&M University System

*To be members of the Board of Regents for six-year terms to expire January 10, 1985:*

Clyde H. Wells of Granbury, Hood County, is being reappointed.

Norman Moser of DeKalb, Bowie County, is replacing Richard Goodson of Dallas, Dallas County, whose term expired.

Royce Wisenbaker of Tyler, Smith County, is replacing Mrs. Wilmer Smith of Wilson, Lynn County, whose term expired.

## Texas Eastern University

*To be members of the Board of Directors for six-year terms to expire January 31, 1983:*

Jeff Austin, Jr., of Jacksonville, Cherokee County, is being reappointed.

H. J. McKenzie of Tyler, Smith County, is being reappointed.

C. Quentin Abernathy of Gladewater, Gregg-Upshur Counties, is being reappointed.

## Texas State University System

*To be a member of the Board of Regents for a six-year term to expire January 10, 1983:*

Robert B. Baldwin III of Austin, Travis County, is replacing James L. Powell of Fort McKavett, Menard County, who resigned.

*To be members of the Board of Regents for six-year terms to expire January 10, 1985:*

Philip G. Warner of Houston, Harris County, is being reappointed.

Bill Wright of Houston, Harris County, is replacing Emil C. Rassman of Midland, Midland County, whose term has expired.

Hollis W. Smith of San Marcos, Hays County, is replacing Sam Tanner of Henderson, Cherokee County, whose term has expired.

## University of Texas System

*To be members of the Board of Regents for six-year terms to expire January 10, 1985:*

Howard Richards of Beaumont, Jefferson County, is replacing James E. Bauerle of San Antonio, Bexar County, whose term expired.

Jon Newton of Austin, Travis County, is replacing Allan Shivers of Austin, Travis County, whose term expired.

James L. Powell of Fort McKavett, Menard County, is replacing Edward A. Clark of Austin, Travis County, whose term expired.

## Texas Woman's University

*To be members of the Board of Regents for six-year terms to expire January 1, 1985:*

Mrs. Ben Carpenter of Irving, Dallas County, is being reappointed.

Lavonne Unsell of Denton, Denton County, is replacing John A. Freeman, Jr., of Fort Worth, Tarrant County, whose term has expired.

Gay Matthew of Yoakum, Lavaca County, is replacing Frank J. Altick of Dallas, Dallas County, whose term has expired.

## State Board of Vocational Nurse Examiners

*To be members for six-year terms to expire September 6, 1983:*

Edward Adriance of San Antonio, Bexar County, is replacing Bess Davenport of Rosebud, Falls County, whose term expired.

Annie Mae Parker of Belton, Bell County, is replacing Ms. Loy Patton of Stephenville, Erath County, whose term expired.

Doris G. Sinclair of San Antonio, Bexar County, is replacing Patricia Rachel of Dallas, Dallas County, whose term expired.

## Withdrawal of Appointment Lavaca County Flood Control District No. 3

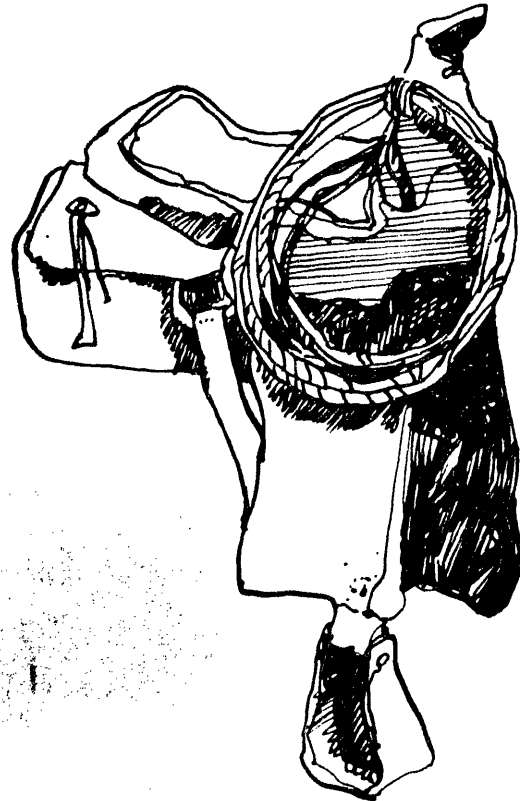
*The Senate has been requested to return the following name, which was submitted on January 9, 1979, for confirmation to be a member of the Board of Directors for a two-year term to expire January 1, 1981:*

J. W. Hermes  
Route 4, Box 96  
Hallettsville, Texas 77964

Issued in Austin, Texas, on January 15, 1979.

Doc. No. 790354      Dolph Briscoe  
Governor of Texas

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





## Requests for Opinions

### Summary of Request for Opinion RQ-5

Request from Tim Von Dohlen, chairman, House Committee on Constitutional Amendments, Austin.

**Summary of Request:** May the legislature, pursuant to Article VIII, Section 1, of the Texas Constitution, or other authority, provide by general law that automobiles within any particular taxing jurisdiction be exempted from personal property taxation on a "local option basis," i.e., following a vote of the residents of the particular taxing authority?

Doc. No. 790333

### Summary of Request for Opinion RQ-6

Request from Bill M. White, criminal district attorney, Bexar County, San Antonio.

**Summary of Request:** Pursuant to Texas Revised Civil Statutes Annotated, Article 1941(a), may the Bexar County clerk consolidate the minutes books for the six Bexar County courts at law into two volumes, one for civil business and one for criminal matters?

Doc. No. 790334

### Summary of Request for Opinion RQ-7

Request from Tim Curry, criminal district attorney, Tarrant County, Fort Worth.

**Summary of Request:**

(1) Is the county clerk of Tarrant County subject to and controlled by the rules of the Tarrant County Civil Service Commission regarding qualifications of new employees in the Tarrant County clerk's office?

(2) Is the county clerk of Tarrant County required to hire new employees as prescribed by the rules of Tarrant County Civil Service Commission through the Tarrant County Personnel Office or may he hire employees independently of the Tarrant County Personnel Office?

Doc. No. 790335

### Summary of Request for Opinion RQ-8

Request from Bill Clark, vice chairman, House Committee on Education, Austin.

**Summary of Request:** May a college professor receive a royalty on a book used in the school in which he teaches?

Issued in Austin, Texas, on January 15, 1979.

Doc. No. 790336

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

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

# EMERGENCY RULES

212

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

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

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

## Railroad Commission of Texas Transportation Division

### Operating Certificates, Permits, and Licenses 051.03.02

On January 15, 1979, the commission received a complaint that railroads serving Iowa Beef Processors, Inc., in Amarillo, Texas, are not returning shipper-owned tank cars quickly enough to permit timely shipment of edible beef tallow from the Iowa Beef plantsite in Amarillo. Existing intrastate carriers with specific authority to provide the needed transportation service have been solicited and do not have available the necessary equipment. If emergency temporary authority is not granted immediately, the Iowa Beef plant in Amarillo will be closed resulting in the loss of approximately 2,500 jobs.

The commission is satisfied that emergency temporary authority is necessary to prevent the plant closure and the resulting loss of jobs. The adoption of this rule is therefore necessary to avoid imminent peril to the public health, safety, and welfare as required by Section 5(d) of the Administrative Procedure and Texas Register Act (Texas Revised Civil Statutes Annotated, Article 6252-13a, Section 5(d) (Vernon Supplement 1978)).

This rule is promulgated under the authority cited above as well as the jurisdiction granted the commission under the Texas Motor Carrier Act (Texas Revised Civil Statutes Annotated, Article 911b (Vernon 1964)). This emergency rule will be in effect for a period of 15 days, unless further extended by the commission.

#### *.019. Emergency Temporary "Edible Beef Tallow" Authority.*

(a) Beginning on January 16, 1979, and for 15 days thereafter, unless extended by the commission, any carrier with proof of insurance on file with the commission that has available the appropriate equipment is authorized to transport edible beef tallow from the plantsite of Iowa Beef Processors, Inc., in Amarillo, Texas, to points within a 50-mile radius of Fort Worth, Texas.

(b) Any carrier providing service pursuant to this rule shall comply with all applicable commission rules, tariffs, and orders.

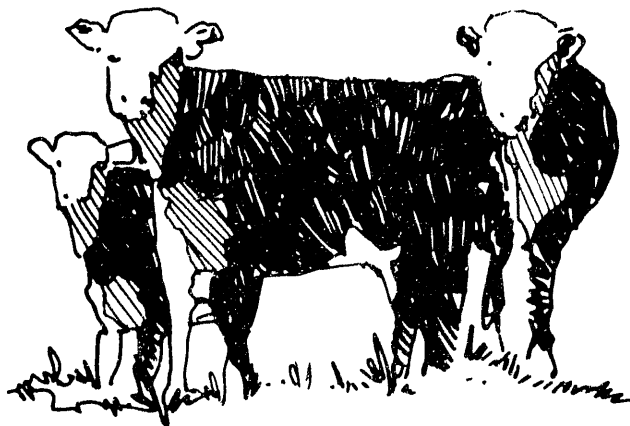
(c) This rule shall take effect immediately on filing with the secretary of state.

Issued in Austin, Texas, on January 16, 1979.

Doc. No. 790351      John H. Poerner  
Chairman  
Railroad Commission of Texas

Effective Date: January 16, 1979  
Expiration Date: January 31, 1979

For further information, please call (512) 475-4738.



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.

## Texas Education Agency

### Texas Education Agency in General

#### Texas Education Agency Annual Operating Plan and Budget 226.11.04.010

The Texas Education Agency proposes to amend Rule 226.11.04.010, concerning the annual operating plan and budget of the agency. The proposed amendment leaves the policy section unchanged. The existing administrative procedure is repealed. Budgeting procedures will be outlined in proposed new Rules .020 and .030.

The Texas Education Agency does not anticipate that the proposed amendment to Rule .010 will have state or local fiscal implications.

Public comment on the proposed amendment to Rule .010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules which are submitted in accordance with the provisions of the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule amendment is proposed under the authority of Section 11.29, Texas Education Code.

#### *.010. General Provisions (Operating Budget).*

(a) Policy. The budget for the Texas Education Agency shall be developed in accordance with the statutes of the state.

(b) Administrative procedure. *The Texas Education Agency annual operating plan and budget is prepared in accordance with Section 11.29 of the Texas Education Code and in accordance with other applicable statutes*

*and regulations.* [The Texas Education Agency operating budget is prepared in accordance with requirements of Texas statutes.

(1) Budgeting procedures. The budget for the Texas Education Agency must be in accordance with the amounts appropriated in general appropriation act and must provide funds for the administration and operation of the Texas Education Agency and any other necessary expense.

[Expenses eligible for payment in whole or in part from federal and special funds are designated in the budget.

[Expense items budgeted which are not eligible for payment from federal or special funds must be paid from the Foundation School Program Fund.

[The State Board of Education budgets annually from the Foundation School Program Fund for the operation of the Texas Education Agency an amount not to exceed four tenths of one percent of the total cost of the Foundation School Program as estimated by the board at its March meeting immediately prior to the adoption of the budget at the July meeting.

[The budget cost of operating the Texas Education Agency which is paid from the Foundation School Program Fund is included in the estimated cost of the Foundation School Program which is computed by the State Board of Education in March of each year for the determination of the Local Fund Assignment to be charged to each school district

[On or before August 15 of each year, a copy of the approved operating budget for the Texas Education Agency showing total funds budgeting by sources of funds must be filed with the State Comptroller of Public Accounts. Thereafter, vouchers submitted by the state commissioner of education must be paid from the appropriate fund.

(2) Responsibilities of the commissioner of education for the operating budget. Annually, the commissioner of education prepares and presents to the State Board of Education an operating budget for the total Texas Education Agency operation showing for each division the amount budgeted for the previous year, the estimate for the next year by fund in accordance with the following expense classifications: salaries; travel; rentals; communications and utilities; office expense and printing; premiums and fees; repairs and maintenance; capital outlay.

[The commissioner of education is authorized to transfer funds between divisions and between expense classifications within divisions, provided total expenditures for each expense classification do not exceed the amount budgeted for each classification.

[Major transfers of budgeted funds must be reported by the commissioner of education to the State Board of Education for review and approval.

[At each regular meeting of the State Board of Education, the commissioner of education reports on the status of all funds. This report is to show by program and by expense classification the amount allocated, the amount paid, the amount encumbered, the balance to be paid or balance unencumbered, and the percent available.]

## 226.11.04.020-.030

The Texas Education Agency proposes to adopt new Rules 226.11.04.020-.030, concerning the annual operating plan and budget of the agency. Rule .020 provides that the agency will use the budget categories as shown in the current appropriations act for the six programs of agency administration. Rule .030 concerns transfers and reports and provides that the commissioner of education may transfer funds between divisions and between expense classifications within divisions, provided total expenditures for each of the six programs of agency administration and each comptroller fund under agency administration do not exceed the amount currently appropriated.

The Texas Education Agency does not anticipate that proposed new Rules .020-.030 will have state or local fiscal implications.

Public comment on the proposed adoption of Rules .020-.030 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules which are submitted in accordance with the provisions of the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

These rules are proposed under the authority of Section 11.29, Texas Education Code.

### .020. Budget Procedures.

(a) The commissioner of education will present an annual operating plan and budget to the State Board of Education for approval at its July meeting. "On or before August 15 of each year. . . a copy of the approved budget is filed with the State Comptroller of Public Accounts. (Section 11.29(b), Texas Education Code.)

(b) The budgeted totals will correspond to the amount appropriated in the current appropriations act for the six programs of agency administration. The agency shall not be limited in the use of federal funds by the appropriations for agency administration.

(c) The annual operating plan and budget will authorize funds necessary for the administration and operation of the Texas Education Agency. The budget will show the amounts budgeted both by expense category and by source of funds. "Expenses eligible for payment in whole or in part from federal and special funds shall be designated in the budget." (Section 11.29(b), Texas Education Code.)

(d) "Expense items budgeted which are not eligible for payment from federal or special funds shall be paid from the Foundation School Program Fund," except that these payments for the operation of the Texas Education Agency may not exceed "an amount of four-tenths of one percent of the total cost of the Foundation School Program as estimated by the board at its March meeting immediately prior to the adoption of the budget at its July meeting." (Sections 11.29(c) and (d), Texas Education Code.)

(e) The annual operating plan and budget will show for each cost center of the agency the amount budgeted for the

previous year by expense classification and the amount budgeted for the next year by expense classification.

### .030. Transfers and Reports.

(a) The State Board of Education transfers funds between the six programs for agency administration when such transfers are in the best interests of the state. Such transfers will be shown in the minutes of the State Board of Education, and copies of the approved minutes will be filed with the Governor's Budget and Planning Office, the Legislative Budget Board, the state auditor, and the Legislative Reference Library.

(b) The commissioner of education is authorized to transfer funds between divisions and between expense classifications within divisions, provided total expenditures for each of the six programs and each comptroller fund under agency administration do not exceed the amount currently appropriated.

(c) At each regular meeting of the State Board of Education, the commissioner of education will report on the status of all administrative funds.

Issued in Austin, Texas, on January 16, 1979.

Doc. No. 790327 M. L. Brockette  
Commissioner of Education

Proposed Date of Adoption. March 10, 1979  
For further information, please call (512) 475-7077.

## Pupil Attendance

### Pupil Attendance Allowed 226.51.01.010

The Texas Education Agency proposes to amend the administrative procedure section of Rule 226.51.01.010, concerning pupil attendance. The proposed amendment adds the provision that five-year-olds are not eligible for enrollment in the first grade if they were enrolled in the first grade in another state and subsequently returned to Texas for enrollment, without the legal residence of the parent or guardian having changed in the interim. The policy section of the rule remains unchanged.

The proposed amendment is a further clarification of existing regulations. The Texas Education Agency does not anticipate that the amendment will have state or local fiscal implications.

Public comment on the proposed amendment to Rule .010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules which are submitted in accordance with the provisions of the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule amendment is proposed under the authority of Sections 16.003, 21.031, and 21.081, Texas Education Code.

**.010. Free Attendance in General.****(a) Policy.**

(1) A person who has not graduated from a high school and who is at least five years of age but not 21 or more years of age on September 1 of the school year for which admission is sought and who is a citizen of the United States or a legally admitted alien shall be allowed free attendance in the school district of residence. Students in this country under a bona fide exchange program are eligible to attend school in the designated district of residence. Eligibility requirements for otherwise eligible nonresident pupils may be satisfied through the approved transfer process. (Concerning Transfers, see Policy 23.04.)

(2) A child is not eligible for enrollment in the first grade unless:

(A) he or she is at least six years of age at the beginning of the scholastic year (September 1); or

(B) he or she is at least five years of age on September 1 and has been enrolled in the public schools in another state prior to moving into a Texas public school district.

A child not eligible under provision (2) above may be assigned to the first grade before age six, but the attendance of the child must be maintained in a kindergarten register. Likewise, a child may be assigned to kindergarten after age six, but the attendance of the child must be maintained in a first grade register. Such assignments are the decision of the local district, with the consent of the child's parent or guardian.

(3) In order for a person under the age of 18 years to establish a residence for the purpose of attending the public free schools separate and apart from his parent, guardian, or other person having lawful control of him under an order of a court, it must be established that his presence in the school district is not for the primary purpose of attending the public free schools. The board of trustees of each local district shall be responsible for determining whether an applicant for admission is a resident of the school district for purposes of attending the public schools.

(4) A school-age child of an employee of a facility of the Texas Youth Council is entitled to attend school in a school district adjacent to the district in which the child resides free of any charge to the child's parents or guardian. Any tuition charge required by the admitting school district shall be paid by the school district from which the student transfers out of funds allotted to it by the Central Education Agency.

**(b) Administrative procedure.**

(1) A child who is at least five years of age on September 1 and has been enrolled in the first grade in another state prior to moving into a Texas public school district is eligible for enrollment in the first grade in Texas. For purposes of this section, the term "enrolled" means actually receiving instruction rather than enrolled prior to receiving instruction.

(2) A five-year-old is not eligible for enrollment in the first grade if his or her parents or guardian enrolled the child in the first grade in an out-of-state public school and subsequently returned the student to Texas for enrollment, without the legal residence of the parent or guardian having been changed to the other state in the interim.

Doc. No. 790328

**226.51.01.022**

The Texas Education Agency proposes to amend Rule 226.51.01.022, concerning the attendance of physically or mentally handicapped pupils in public schools by adding an administrative procedure section to the rule. The policy section of the rule remains unchanged. The proposed amendment clarifies that to be eligible for services under Section 16.104 of the Texas Education Code a child must be at least three years old but not more than 21 years old on or before September 1 of the scholastic year. Services under Section 16.161 are provided to students who are not more than 22 years old as of September 1.

The amendment clarifies existing agency practice, and the Texas Education Agency does not anticipate that the proposed amendment will have state or local fiscal implications.

Public comment on the proposed amendment to Rule .022 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules which are submitted in accordance with the provisions of the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule amendment is proposed under the authority of Sections 16.005, 16.104, and 16.161, Texas Education Code.

**.022. Pupils Physically and/or Mentally Handicapped.****(a) Policy.**

(1) An eligible pupil between the ages of 3 and 21, inclusive, with physical or mental handicap (Policy 35.71), shall be allowed to attend school in a school district, subject to the Foundation School Program, which is authorized to admit the pupil.

(2) In addition, eligible pupils include individuals ages birth through 22, inclusive, with serious visual or hearing handicaps or a combination of such handicaps (Policy 35.73).

(3) The school district of the pupil's residence is responsible for providing, or causing to be provided, programs and services appropriate to the pupil's educational needs.

**(b) Administrative procedure.**

(1) *Handicapped children, as defined in Section 16.104 of the Texas Education Code, must be at least three years old and not more than 21 years old on or before September 1 of the scholastic year to be eligible.*

(2) *Services under Section 16.161, Texas Education Code, shall be provided to students who are not more than 22 years of age as of September 1 of the scholastic year involved.*

Doc. No. 790329

**Compulsory Pupil Attendance 226.51.02**

The Texas Education Agency proposes to amend Rule 226.51.02.010, concerning compulsory pupil attendance in public school by adding an administrative procedure section to that rule. The proposed amendment clarifies that the legal

provisions concerning the ages between which attendance is compulsory refer to a child's age on his or her birthday, rather than the child's age as of September 1 of the scholastic year. The policy section of the rule remains unchanged.

The proposed amendment to Rule .010 clarifies existing practice. The agency does not anticipate that the proposed amendment will have state or local fiscal implications.

Public comment on the proposed amendment to Rule .010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules which are submitted in accordance with the provisions of the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule amendment is proposed under the authority of Sections 21.032 and 21.033 of the Texas Education Code, and Attorney General Opinion No. WW-1056, May 12, 1961.

#### .010 General Provisions

(a) Policy. (No change.)

(b) *Administrative procedure.* The provisions of the Texas Education Code concerning compulsory school attendance refer to a child's age on his or her birthday, whether the child reaches the age during or prior to the beginning of the scholastic year (September 1).

(Reference: Attorney General Opinion No. WW-1056, May 12, 1961, and Sections 21.032 and 21.033, Texas Education Code.)

Issued in Austin, Texas, on January 16, 1979.

Doc. No. 790330 M. L. Brockette  
Commissioner of Education

Proposed Date of Adoption February 23, 1979  
For further information, please call (512) 475-7077.

## Board of Vocational Nurse Examiners

### Education

#### Definitions 390.02.01

The Board of Vocational Nurse Examiners is proposing amendments to Rules 390.02.01.001, .003, .012, .026, .032, and .034, which state definitions applicable to the Division of Education. The rules have been amended to specifically state and clarify the definition by the deletion and/or substitution of word(s) or phrases.

The Board of Vocational Nurse Examiners has determined the proposed amendments will create no fiscal change.

Public comment on the proposed amendments is invited. Comments may be submitted by telephoning Waldeen D. Wilson, (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar Boulevard, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

The amendments are proposed under the authority of Article 4528c, Vernon's Civil Statutes.

*.001. Affiliating Agency.* Affiliating agency or clinical facility refers to a *health care facility* (nursing institution) contracted for student clinical practice by the controlling agency.

*.003. Challenging Student.* A challenging student is a student who is allowed credit for *previous* nursing courses by demonstrating that he *or she* possesses the knowledge and skills of the course.

*.012. Designate Supervisor.* Designate supervisor denotes a *licensed nurse* (nursing staff person) appointed by the affiliating agency *for student clinical learning.* A *designate supervisor is mandatory in health care facilities whose census and number of students cannot support assignment of a full-time faculty member.* (to assist with coordinating nursing service and program activities; to assist with student supervision, and to assume responsibility for student clinical learning in absence of the program faculty.)

*.026. Program.* Program refers to *school*— [the] total group of nursing subjects including related clinical practice [or other field experiences organized in a systematic manner].

*.032. Special Student.* A special student is a student enrolled for nursing courses to meet specific *curriculum* deficiencies.

*.034. Total Patient Care Assignment.* Total patient care assignment is a manner of assignment whereby the student meets all needs of the patient within the scope of *his or her* preparation.

Doc. No. 790300

#### Accreditation of Programs 390.02.03

The Board of Vocational Nurse Examiners is proposing amendments to Rules 390.02.03.001 and .002. Rule .001 concerns the types of accreditation; Section (b) relates to condi-



tional accreditation. It has been amended for clarification. Rule .002 concerns factors which jeopardize school accreditation. The amendments state additional factors which will affect accreditation.

The Board of Vocational Nurse Examiners has determined the proposed amendments will create no fiscal change.

Public comment is solicited. Comments may be submitted by telephoning Waldeen D. Wilson, (512) 458-1203, or by writing to the Board of Vocational Nurse Examiners, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751.

The amendments are proposed pursuant to Vernon's Civil Statutes, Article 4528c.

*.001. Types of Accreditation.*

(a) (No change.)

(b) Conditional. Conditional accreditation is extended to existing schools which fail to meet and maintain standards [and whose school average on licensing examination is consistently low]. Conditional accreditation shall be for a period not to exceed one year at which time the board will re-evaluate the program. [Conditional accreditation shall be extended to successful programs which have been without students for a period of two years. The school shall reopen under conditional accreditation for one year and until licensing examination results are evaluated by the board.]

*.002. Factors Jeopardizing School Accreditation.* Accreditation may be reduced to conditional status or withdrawn for the following reasons:

(a)-(e) (No change.)

(f) frequent high percentage of failure on licensing examinations;

(g)(h) (No change.)

(i)(j) (No change.)

(k)(l) (No change.)

(m) *failure to maintain a 75 percent passing rate on the licensing examination by first-time writers;*

(n) *failure of agency to check annually that all faculty have current licenses.*

Issued in Austin, Texas, on January 12, 1979.

Doc. No. 790301

Waldeen D. Wilson, R.N.

Executive Secretary

Board of Vocational Nurse Examiners

Proposed Date of Adoption. February 23, 1979

For further information, please call (512) 458-1203.

# ADOPTED RULES

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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

#### Sales Tax Division—State Taxes 026.02.20

Under the authority of Texas Taxation—General Annotated, Article 20.11 (Vernon 1969), the Comptroller of Public Accounts has adopted Rule 026.02.20.067 to read as follows:

##### .067. *Improvements to Realty.*

(a) "Contract for the improvement to realty" includes a contract with the intended purpose to:

(1) erect, construct, alter, or repair any building or other structure, project, development, or other permanent improvement on, under the surface of, or to real property, whether fee or leasehold; or

(2) furnish and install property becoming a part of any building or other structure, project, development, or other permanent improvement on or to such real property including tangible personal property, which after installation becomes real property by virtue of being embedded in or permanently affixed to the land or to a structure constituting realty and which property after installation is necessary to the intended usefulness of the building or other structure; or

(3) alter the land surface of real property by such means as creating roads, earthen dams, and stock tanks. However, mining or timber operations do not, in and of themselves, constitute improvements to realty.

(b) "Contract for the improvement to realty" does not include:

(1) a contract for the sale and installation of tangible personal property; this includes a contract to furnish and install machinery, equipment, or other tangible property not essential to the building or structure, nor adapted or intended to become a part of the realty, but which incidentally may, on account of its nature, be temporarily attached to the realty without losing its identity as a particular piece of machinery, equipment, or property and, if attached, is readily removable without substantial damage to the unit or to the realty or without destroying the intended usefulness of the realty;

(2) the furnishing of tangible personal property if the person furnishing the property is not responsible for the final affixation or installation of any of the property furnished; or

(3) the furnishing of tangible personal property if the person furnishing the property is only responsible for supervision or warranty of installation without contractual responsibility for installation.

Issued in Austin, Texas, on January 17, 1979.

Doc. No. 790358

Bob Bullock  
Comptroller of Public Accounts

Effective Date: February 7, 1979

For further information, please call (512) 475-6872.

## Texas Department of Human Resources

### Family Services

The Department of Human Resources adopts the following repeal of two of its rules and the amendment of one rule regarding authorized family planning benefits in its Social Services Program. The United States Department of Health, Education, and Welfare recently published regulations (43 FR 52146) that changed various aspects of its rule governing federal financial participation for voluntary sterilization under Title XX of the Social Security Act. These federal regulations have an effective date of February 6, 1979. Therefore, Rule 326.53 62.002 is being amended to meet the new federally mandated requirements. Concurrently, the department is repealing Rules .001 and .003 because their content conflicts with the new regulations incorporated in amendments to Rule .002.

This amendment establishes under the federal requirements more extensive procedures to ensure that sterilizations are truly voluntary on the part of the patient and that the patient's consent to be sterilized is given only in the light of a full understanding of the operation, its benefits, hazards, and effects. In order to achieve these objectives, the amendment tracks the federal rules in requiring that consent be obtained at least 30 days prior to the operation instead of the previously required 72 hours. Also, a specific consent form is now required which will be furnished by the department. This consent form replaces all previously approved sterilization consent forms. Other forms may be used only if the provider has obtained written approval from the Secretary of Health, Education, and Welfare, and written evidence of that approval has been received by DHR. Furthermore, the explanation of the operation's procedures, benefits, and hazards must be done in a language understood by the patient, which the federal regulations define as including special arrangements for the handicapped, if necessary.

Other changes in the federal regulations exclude persons in certain categories from the ability to consent to the operation. This amendment reflects the changes by stating that informed consent for sterilization may not be obtained under any circumstances from anyone in labor or childbirth, under the influence of alcohol or other drugs, seeking or obtaining an abortion, or who is institutionalized in a correctional facility, mental hospital, or other rehabilitative facility. The



amendment makes no change to the previous prohibition against obtaining consent from anyone under the age of 21 years or anyone who is mentally incompetent, except that consent may now be obtained from persons who are otherwise mentally incompetent but who have been declared competent for purposes which include the ability to consent to sterilization.

In addition, the federal regulations specifically prohibit the use of federal funds for hysterectomies performed for the sole purpose of sterilizing an individual. Therefore, this amendment eliminates that procedure from the state's Title XX Family Planning Program.

### Family Planning 326.53.62.001, .003

The repeal of Rules .001, Application of Sterilization Regulations, and .003, Consent to Sterilization, are adopted under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, effective February 6, 1979, pursuant to the requirements found in Title 42, Code of Federal Regulations, Parts 50 and 441.

Doc. No. 790349

### 326.53.62.002

The following amendment is adopted under the authority of Articles 695c and 695j-1, Texas Revised Civil Statutes, effective February 6, 1979, pursuant to the requirements found in Title 42, Code of Federal Regulations, Parts 50 and 441.

.002. *Authorized Family Planning Benefits* Subject to certain conditions and limitations, family planning services are those items detailed as follows:

(1) *Voluntary sterilization.* The department provides reimbursement for voluntary sterilizations of eligible recipients which are performed within the limits of federal regulations.

(2) *Voluntary sterilization requires informed consent.* Informed consent means that:

(A) The person who obtained consent for the sterilization procedure offered to answer any questions the individual to be sterilized may have concerning the procedure.

(B) The person who obtained consent for the sterilization procedure provided a copy of the consent form to the individual to be sterilized.

(C) The person who obtained consent for the sterilization procedure provided orally all of the following information or advice to the individual to be sterilized:

(i) advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment and without loss or withdrawal of any federally funded program benefits to which the individual might be otherwise entitled;

(ii) a description of available alternative methods of family planning and birth control;

(iii) advice that the sterilization procedure is considered to be irreversible;

(iv) a thorough explanation of the specific sterilization procedure to be performed;

(v) a full description of the discomforts and risks that may accompany or follow the performing of the pro-

cedure, including an explanation of the type and possible effects of any anesthetic to be used;

(vi) a full description of the benefits or advantages that may be expected as a result of the sterilization;

(vii) advice that the sterilization will not be performed for at least 30 days, except under the circumstances specified in paragraph (G) below.

(D) In order to obtain informed consent:

(i) suitable arrangements must be made to ensure that the information specified in (A)-(C) above was effectively communicated to any individual who is blind, deaf, or otherwise handicapped;

(ii) an interpreter must be provided if the individual to be sterilized does not understand the language used on the consent form or the language used by the person obtaining consent;

(iii) the individual to be sterilized must be permitted to have a witness of his or her choice present when consent is obtained.

(E) The informed consent must be obtained at least 30 days but not more than 180 days prior to such sterilization, except in the case of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of a premature delivery or emergency abdominal surgery, if at least 72 hours have passed since he or she gave informed consent for the sterilization. In the case of premature delivery, the informed consent must have been given at least 30 days before the expected date of delivery.

(F) For all sterilizations performed on or after February 6, 1979, the informed consent and the federally required certifications must be documented by using a properly completed form provided by the department unless the individual provider has obtained approval for a separate consent form from the Secretary of the Department of Health, Education, and Welfare, and written evidence of that approval must be received by the Texas Department of Human Resources prior to payment of claims.

(3) Written informed consent for sterilization may not be obtained under any circumstances from:

(A) anyone in labor or childbirth;

(B) anyone under the influence of alcohol or other substances to the extent that the awareness of the individual is affected;

(C) anyone seeking or obtaining an abortion.

(D) anyone institutionalized in correctional facilities, mental hospitals, or other rehabilitative facilities;

(E) anyone under the age of 21 years;

(F) anyone adjudicated mentally incompetent by a court, unless the individual has been declared by a court to be competent for purposes which include the ability to consent to sterilization.

(4) Funding for Title XX hysterectomies is no longer available.

Issued in Austin, Texas, on January 16, 1979.

Doc. No. 790350

Jerome Chapman  
Commissioner

Texas Department of Human Resources

Effective Date: February 6, 1979

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

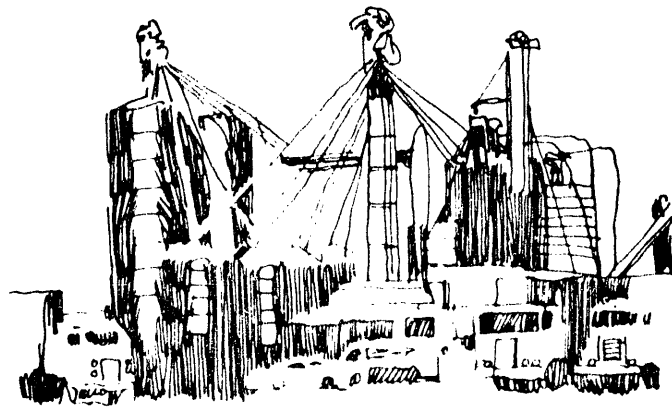
This section includes summarized opinions in cases on appeal from administrative decisions of local, state, and federal governments and agencies. The section contains opinions of the U.S. Supreme Court, U.S. Circuit Courts of Appeals, U.S. District Courts, the Texas Supreme Court, and Texas Courts of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

## 3rd Court of Civil Appeals Texas Oil and Gas Corporation v. Railroad Commission

Before a cause may be remanded to an administrative agency with instructions that additional evidence be taken under authority of Section 19(d)(2), Administrative Procedure and Texas Register Act, the court must be satisfied (1) that additional evidence is material and (2) that there were good reasons for the failure of the party to present evidence before the agency. Errors in judgment made during the agency hearing cannot constitute good reason for ordering the Railroad Commission to consider additional evidence.

Because most geological facts are not directly observable, much of the lore of geology must rest on reasonable conclusions drawn from facts indirectly observed and sometimes imperfectly known. (16 TLWD 1, at 4)

Filed: December 6, 1978, Austin  
Doc. No. 4C1



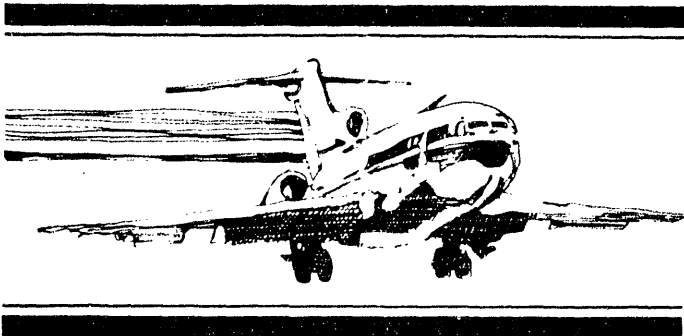
The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must 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 Aeronautics Commission

*Thursday, January 25, 1979, 1:30 p.m.* The Texas Aeronautics Commission will meet in Room 221, 410 East 5th Street, Austin. The summarized agenda includes the general counsel's report on the Dallas-Fort Worth Airport—Florida Service Investigation (CAB Docket 32711), adoption of permanent rules; the carrier regulation report—final action on Docket 78-14, Alamo Commuters (San Antonio-Eagle Pass), Docket 78-20, Chaparral Airlines (designation of Dallas-Fort Worth as alternate airport); review of staff action in issuance of certificates of operating authority—Texas Airlines (Docket 78-22), Metroflight Airlines (Docket 78-23), Rio Airways (Docket 78-24), Eagle Commuter (Docket 78-25); and the director's report.

Additional information may be obtained from Lydia Scarborough, 410 East 5th Street, Austin, Texas 78701, telephone (512) 475-4768.

Filed January 16, 1979, 4 21 p.m.  
Doc. No. 790347



## Texas Air Control Board

*Friday, January 26, 1979, 9:30 a.m.* The Texas Air Control Board will meet at the board's offices at 8520 Shoal Creek Boulevard, Austin. The summarized agenda includes reports

by the executive director, consideration of the compliance status of Exxon Corporation and Stauffer Chemical Company of Harris County, the hearing examiner's report, and the status of revisions to the State Implementation Plan.

More information may be obtained from John B. Turney, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 354.

Filed: January 16, 1979, 9:21 a.m.  
Doc No 790313

## State Commission for the Blind

*Friday, January 26, 1979, 10 a.m.* The Board of Directors of the State Commission for the Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar, Austin. The agenda includes the introduction of visitors and new board member, approval of minutes of prior meeting, personnel data report, introduction of new division head, reports of committees of the board, report on Governor's Committee on Employment of the Handicapped, executive director's report, new business, and selection of chairman.

Additional information may be obtained from Sue Whited, P.O. Box 12866, Austin, Texas 78711, telephone (512) 475-6810.

Filed: January 16, 1979, 4 48 p.m.  
Doc. No 790352

## Coordinating Board, Texas College and University System

*Tuesday, February 1, 1979, 9:30 a.m.* The 1202 Commission of the Coordinating Board, Texas College and University System, will meet in the Parklane East Conference Room at the Parklane East Building, 55 North Interstate 35, Austin. The 1202 commissioner of the Coordinating Board will discuss activities of the 1202 Commission and work plan for supply-demand report for January 1979 through October 1980.

Additional information may be obtained from Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, telephone (512) 475-2033.

Filed January 18, 1979, 9 51 a.m.  
Doc No. 790371

## Texas Education Agency

*Thursday, February 8, 1979, 1 p.m.* The Committee for Programs and Personnel Development of the State Board of Education will meet in the Board Room, 150 East Riverside, Austin, for a public hearing on the Textbook Proclamation for the adoption of textbooks for the 1980-1981 school year. Persons desiring to speak are requested to notify the commissioner of education in writing no later than February 2, 1979. Requests may be directed to the commissioner of education, in care of Carolyn Ruhmann, 201 East 11th Street, Austin, Texas 78701. Requestors will be notified at the hearing of the schedule and time allotment for testimony.

For more information, contact M. L. Brochette, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3271.

Filed: January 17, 1979, 2:23 p.m.  
Doc No. 790362

## Texas Department of Health

*Friday, January 26, 1979, 9:30 a.m.* The Texas Statewide Health Coordinating Council of the Texas Department of Health will meet in the Ambassador Room of the Villa Capri Motel, 2400 North Interregional Highway, Austin. The summarized agenda includes: oath of office; committee reports—application, budget, and project review; monitoring and assessment; annual implementation plans review; state medical facilities plan review; and State Health Plan review; proposed amendments to Article 4418h, Texas Civil Statutes; approval of bylaws changes; election of officers and members-at-large of Executive Committee; and appointments to committees.

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

Filed January 15, 1979, 1:50 p.m.  
Doc No 790306

*Sunday, February 11, 1979, 9:30 a.m.* The EPSDT Dental Professional Advisory and Review Committee of the Texas Department of Health will meet in Conference Room 107, 1100 West 49th Street, Austin. The summarized agenda includes discussion of the status of provider manual, report on use and scheduling of treatment and utilization review vans, report on new mobile unit headquarters, report on funds, and utilization review reports.

Additional information may be obtained from C. C. Chandler, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7635.

Filed January 16, 1979, 1:56 p.m.  
Doc No 790331

## Texas Health Facilities Commission

*Thursday, January 25, 1979, 10 a.m.* The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. As summarized on the agenda, the commission will consider the following applications—Angelina Lodge, Palestine, certificate of need; St. Joseph Hospital, Houston, certificate of need; and Hill Country Memorial Hospital, Fredericksburg, motion to amend Certificate of Need AH78-0110-013.

For more information, contact Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed January 17, 1979, 4:04 p.m.  
Doc No 790365

*Thursday, February 1, 1979, 10 a.m.* The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. As summarized on the agenda, the commission will consider the following appli-

cations: Parkland Memorial Hospital, Dallas, certificate of need; South Limestone Community Health Center, Inc., Groesbeck, certificate of need; Austin-Travis MH/MR Center, Austin, certificate of need; Retama Manor South, Corpus Christi, certificate of need; Amigos Del Valle, Inc., San Juan Multi-Purpose Senior Center, San Juan, certificate of need; Eastside Nursing Center, Lufkin, transfer certificate of need; Bethania Hospital, Wichita Falls, transfer certificate of need; St. Luke's Episcopal Hospital, Houston, exemption certificate; Galveston County, doing business as Memorial Hospital of Galveston County, Texas City, exemption certificate; Tarrant County Hospital District, doing business as John Peter Smith Hospital, Fort Worth, exemption certificate; Hurst General Hospital, Hurst, exemption certificate; and Haltom General Hospital, Fort Worth, exemption certificate.

For more information, contact Dan R. McNery, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed January 17, 1979, 4:05 p.m.  
Doc. No. 790366

## Texas Historical Commission

*Friday, January 26, 1979, 9 a.m.* The board of the Texas Historical Commission will meet at the Fort Brown Motor Hotel, Brownsville. The summarized agenda includes approval of minutes No. 109; approval and designation of official Texas historical markers; the financial report; reports of chairman, committees, and department heads; and the Texas Historical Foundation Report.

Additional information may be obtained from Truett Latimer, P.O. Box 12276, Austin, Texas 78711, telephone (512) 475-3092

Filed January 18, 1979, 12:05 p.m.  
Doc No. 790376

## Texas Department of Human Resources

*Thursday, January 25, 1979, 9 a.m.* The Texas Board of Human Resources of the Texas Department of Human Resources will meet in Room 406, John H. Reagan Building, Austin. The summarized agenda includes a report of the Joint Committee on Long-term Care Alternatives; proposed utility bill supplementation for SSI recipients; the Food Stamp Program; a report on SAVERR; allocation of additional Title XX funds; the Task Force for Evaluation of Medicaid in Texas; rural health clinics; a report on long-term care; Medicaid fraud unit; determination of incapacity for eligibility for AFDC; dual employment; and implementation of agreement with the U.S. Department of Justice.

For more information, contact Bill Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6297.

Filed: January 17, 1979, 4:02 p.m.  
Doc. No. 790364

## State Board of Insurance

**Wednesday, January 24, 1979, 10 a.m.** The Fire Marshal's Office of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Ferald E. Coulter of Houston for a fire extinguisher apprentice permit, pursuant to Article 5.43-1 of the Texas Insurance Code and Board Order No. 28451 as amended by Board Order No. 29423.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc. No. 790318

**Wednesday, January 24, 1979, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 343, 1110 San Jacinto Street, Austin, to consider the application of Coaches of America Life Insurance Company of El Paso for extension of time to sell real estate.

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

Filed January 16, 1979, 9:21 a.m.  
Doc No 790317

**Thursday, January 25, 1979, 9 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, to consider the request of Texas Legal Protection Plan, Inc., to continue current claims/expense ratio and terminate the management agreement. The hearing was originally set for January 18, 1979.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc. No. 790319

**Wednesday, January 31, 1979, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 350, 1110 San Jacinto Street, Austin, to determine whether the commissioner has jurisdiction, pursuant to Texas Insurance Code, Article 21.49-1, Section 5(a)2, over the sale of the Moody National Bank to Robert Moody, resulting in a change of control of American National Insurance Company, Galveston.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc No. 790316

**Tuesday, February 6, 1979, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, to consider the commercial lines manual filed by the Insurance Services Office.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc. No. 790314

**Wednesday, February 7, 1979, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto Street, Austin, to consider the wife's supplemental protection insurance filing by Empire Casualty Company.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc. No. 790315

## Texas Advisory Commission on Intergovernmental Relations

**Thursday, January 25, 1979, 8 a.m.** The Committee on Alternative Sources of Revenue for Local Governments of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 1700 North Congress, Austin. The summarized agenda includes review and discussion of final draft of information publication on the tax relief amendment.

Additional information may be obtained from N. David Spurgin, Room 622, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3728.

Filed January 16, 1979, 1:56 p.m.  
Doc. No. 790332

## Texas Motor Vehicle Commission

**Friday, January 26, 1979, 10 a.m.** The Texas Motor Vehicle Commission will meet in Suite 200 of the National Building at 815 Brazos Street, Austin. The agenda includes hearing reports on the following proceedings: No. 137—Jim Carr Motors v. Volvo of America Corporation; Nos. 142 and 143—license revocation of Richard Hutchins Buick and Richard Hutchins Toyota; and No. 123—Gulf States Toyota Dealers Association, Inc., et al. v. Gulf States Toyota, Inc.; consideration of order of license revocation of Brazosport Datsun, Inc.; consideration of orders of dismissal in the following proceedings: No. 106—Ausin AMC, Inc. v. American Motors Sales Corporation; No. 122—application of Baytown Motors, Inc.; No. 138—complaint of Max Blalock v. Smith Motor Sales and Chevrolet Motor Division; No. 146—protest of application of Mike Hall Dodge, Houston; No. 150—protest of application of Tomball Dodge, Inc., Tomball; No. 151—protest of application of Spring Dodge, Inc., Spring; and No. 152—protest of application of Greenspoint Dodge, Inc., Houston; consideration of proposed rules relating to invoice price advertising; consideration of disclosure requirements of certain warranty limitations; consideration of procedure relating to protests of license applications; and financial report.

Additional information may be obtained from Russell Harding, Suite 200, National Building, 815 Brazos, Austin, Texas, telephone (512) 476-3587.

Filed: January 18, 1979, 10:06 a.m.  
Doc No. 790375

## Texas Optometry Board

**Friday, January 26, 1979, 3:30 p.m.** The Texas Optometry Board will meet at the Marriott Hotel (near the Astrodome) in Houston. The summarized agenda includes reports of the secretary-treasurer, committees, the Ad Hoc Committee, and legal counsels; consideration of reinstatement of license; discussion of possible changes to act; consideration of reply from Federal Trade Commission; consideration of attorney general's opinion; and consideration of general office matters. Committees will meet prior to the board meeting beginning at 2 p.m., with two informal conferences being held. Board examinations will begin at 8 a.m. on January 27, 1979, at the University of Houston College of Optometry and continue through January 28.

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

Filed: January 18, 1979, 9:51 a.m.  
Doc No 790372

## Board of Pardons and Paroles

**Monday-Friday, January 29-31, and February 1-2, 1979, 9 a.m. daily.** The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. As summarized on the agenda, 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; review 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 act on gubernatorial directives.

For more information, contact Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: January 16, 1979, 9:21 a.m.  
Doc No 790311

## Texas Parks and Wildlife Department

**Tuesday, January 16, 1979, 9 a.m.** An emergency amendment was made to the agenda of the meeting of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department to delete Item 17, the closure of Galveston Bay to oystering. The meeting was held in Building B of the headquarters complex at 4200 Smith School Road in Austin.

For more information, contact Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4954.

Filed: January 15, 1979, 1:46 p.m.  
Doc. No. 790305

## Texas State Board of Pharmacy

**Thursday, January 18, 1979, noon.** An emergency meeting of the Texas State Board of Pharmacy was held in Suite 1121, Southwest Tower, 211 East 7th Street, Austin. The summarized agenda included a discussion of proposed legislation.

Additional information may be obtained from Priscilla Jarvis, Suite 1121, Southwest Tower, 211 East 7th Street, Austin, Texas 78701, telephone (512) 478-9827.

Filed: January 16, 1979, 4:18 p.m.  
Doc. No. 790346

## Public Utility Commission of Texas

**Thursday, January 25, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin. As summarized on the agenda, the commission will conduct a hearing on Docket No. 2117, the application of West Gregg Water Supply Corporation for a rate increase within Gregg, Smith, and Rusk Counties.

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

Filed: January 16, 1979, 9:21 a.m.  
Doc. No. 790312

**Thursday, January 25, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 400N, 7800 Shoal Creek Boulevard, Austin. As summarized on the agenda, the commission will conduct a hearing on Docket No. 2126, the application of Winfield Water Supply Corporation for authority to change rates in Titus County, and to consider the general counsel's motion to dismiss.

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

Filed: January 16, 1979, 10:53 a.m.  
Doc. No. 790323

**Friday, February 2, 1979, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 400N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket No. 2126, the application of Winfield Water Supply Corporation for authority to change rates in Titus County.

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

Filed: January 16, 1979, 10:53 a.m.  
Doc. No. 790324

## Railroad Commission of Texas

*Tuesday, January 16, 1979, 10:30 a.m.* An emergency meeting of the Transportation Division of the Railroad Commission of Texas was held in the 10th Floor Conference Room, E. O. Thompson Building, 10th and Colorado, Austin. The agenda included consideration of emergency authority to haul edible beef tallow between Amarillo and Fort Worth. According to the commission, the emergency authority was considered on less than seven days' notice because it has been alleged that Iowa Beef Processors, Inc., employing approximately 2,500 people in Amarillo, would close if the requested emergency authority was not granted immediately.

For more information, contact John G. Soule, Transportation Division, P.O. Box 12967, Austin, Texas 78711, telephone (512) 475-4738.

Filed: January 16, 1979, 8:16 a.m.  
Doc. No. 790310

*Thursday, January 18, 1979, 11 a.m.* The Transportation Division of the Railroad Commission of Texas met in emergency session in the 10th floor conference room at the E. O. Thompson Building, 10th and Colorado, Austin, to consider emergency authority to haul edible beef tallow between the Swift and Company plantsite at or near Cactus and Fort Worth and Houston. Emergency authority was considered on less than seven days' notice because it had been alleged that Swift and Company, employing approximately 1,100 people in Cactus, would close January 18 if the requested emergency authority was not granted immediately.

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

Filed: January 18, 1979, 8:14 a.m.  
Doc. No. 790369

## School Tax Assessment Practices Board

*Thursday, February 1, 1979, 10 a.m.* The School Tax Assessment Practices Board will meet in Suite 500, 3301 Northland Drive, Austin. As summarized on the agenda, the board will hear the 1978 report of property values and educational assistance programs, a report on the HJR 1 impact questionnaire, a report on status of litigation under Section 11.86(e) of Senate Bill 1, and a report from the publications section. The board will also discuss suggested rules on minimum standards for forms, records, and assessor education, and will discuss personnel matters in a closed session before reopening the meeting for further business.

Additional information may be obtained from Suzette Robinson, Suite 500, 3301 Northland Drive, Austin, Texas 78731, telephone (512) 454-5781.

Filed: January 15, 1979, 3:27 p.m.  
Doc. No. 790309

## Teachers' Professional Practices Commission of Texas

*Friday, January 26, 1979, 9 a.m.* The Teachers' Professional Practices Commission of Texas will meet at 158 East Riverside, Second Floor Conference Room, Austin. Included on the agenda are the following items: Charles Wesley Hight's appeal of a jurisdictional ruling; the status of the commission's legislative recommendations to the Commissioner of Education; consideration of revising and reprinting *Professional Ethics in Texas Education - A Module for Study*; Attorney General's Opinion H 1313, recognition of outgoing members; and discussion of subjects identified by commission members.

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

Filed: January 16, 1979, 10:53 a.m.  
Doc. No. 790325

## Texas A&M University System

*Monday, January 22, 1979, 9:30 a.m.* The Planning and Building Committee of the Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. The summarized agenda included consideration of matters relating to construction for the various parts of the Texas A&M University System.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: January 16, 1979, 3:47 p.m.  
Doc. No. 790342

*Monday, January 22, 1979, 11 a.m.* The Committee for Service Units of the Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. The summarized agenda included consideration of matters relating to the acceptance of donated land in San Antonio for the Texas Engineering Extension Service and a request for authorization to establish a new account for the Texas Engineering Station.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: January 16, 1979, 3:48 p.m.  
Doc. No. 790343

**Monday, January 22, 1979, 1:30 p.m.** The Committee for Academic Campuses of the Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. The summarized agenda included consideration of request to initiate a new degree program and the adoption of a resolution on a trust and authorization of a fee for academic institutions in the Texas A&M University System, and consideration of tenure recommendations from the academic institutions of the System.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed January 16, 1979, 3:49 p.m.  
Doc No 790344

**Monday, January 22, 1979, 3 p.m.** The Executive Committee of the Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. The summarized agenda included consideration of request for amendment of System investment policy, for authorization to execute a licensing agreement, authorization to sell bonds, consideration of oil, gas, and sulphur lease, sale of surplus and obsolete property, budget items, and approval of appointments and promotions of System personnel.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed January 16, 1979, 3:49 p.m.  
Doc No 790345

**Tuesday, January 23, 1979, 8:30 a.m.** The Board of Regents of Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. The summarized agenda includes consideration of items relating to construction in the System, investment policy amendments, a licensing agreement, authority to sell bonds, oil, gas, and sulphur leases, approval of sale of surplus property, budgets, tenure recommendations, appointment and promotion of personnel, new degree programs, acceptance of gifts and grants, authorization for fees and new accounts, acceptance of land, and appointment of an assistant director for the Texas Agricultural Experiment Station.

Additional information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed January 16, 1979, 3:49 p.m.  
Doc No 790341

## Texas State Technical Institute

**Monday, January 22, 1979, 11 a.m.** The Board of Regents of the Texas State Technical Institute has cancelled the meeting which was scheduled at the above time in the Plantation Room at the Love Field Inn in Dallas.

Additional information may be obtained from Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, telephone (817) 799-3611, extension 385.

Filed January 16, 1979, 9:36 a.m.  
Doc No 790322

## Texas Turnpike Authority

**Tuesday, January 23, 1979, 10 a.m.** The Board of Directors of the Texas Turnpike Authority has made an emergency addition to the agenda of the meeting to be held in Room 1349 of the Houston Natural Gas Building, 1200 Travis Street, Houston. The addition is Item 13, concerning supplemental agreement to Contract M.B. 17 with Automatic Toll Systems, Inc., for furnishing and installing toll collection equipment for the Mountain Creek Lake Bridge project.

Additional information may be obtained from Harry Kabler, P.O. Box 5547, Arlington, Texas 76011, telephone (817) 261-3151.

Filed January 17, 1979, 9:13 a.m.  
Doc No 790355

## Veterans Land Board

**Thursday, January 25, 1979, 2 p.m.** The Veterans Land Board will meet at 1700 North Congress, Austin. The summarized agenda includes approval of the minutes of the meeting on December 19, 1978, report of executive secretary; discussion of February 5, 1979, Veterans Land Board bond sale; and discussion of House Bill 58.

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

Filed January 16, 1979, 4:22 p.m.  
Doc No 790348

## State Board for Vocational Education

**Wednesday, January 31, 1979, 9 a.m.** The Joint Committee of the State Board for Vocational Education will meet in the State Board Room, Riverside Square, north building, 150 E. Riverside Drive, Austin. The committee will hear reports for the Texas Education Agency staff and others on the analysis of reports presented during the November 2, 1978, meeting on the role and scope of data gathering activities of various agencies. The committee will also make recommendations on the selection of the most appropriate data to be used in planning for vocational education programs in the state.

For more information, contact E. W. Quinton, Division of Postsecondary Programs, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701, telephone (512) 475-3589.

Filed January 17, 1979, 2:24 p.m.  
Doc No 790363



## Texas Water Commission

*Monday, January 22, 1979, 10 a.m.* An emergency addition was made to the Texas Water Commission meeting held in the Stephen F. Austin Building, 1700 North Congress, Austin. As summarized, the agenda additions included applications by Harris County Municipal Utility District No. 10 for bond approval, release from escrow, and approval for use of surplus funds.

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

Filed January 17, 1979, 2:04 p.m.  
Doc. No. 790360

## Regional Agencies

### Meetings Filed January 16, 1979

*Austin-Travis County MHI/MR*, Budget and Finance Committee, met in the Headliners Club, American Bank Tower, Austin, on January 19, 1979, at noon. Further information may be obtained from Travis Benford, 1106 Clayton, Austin, Texas, telephone (512) 458-1161.

*The Deep East Texas Council of Governments*, Criminal Justice Advisory Board, will meet in the City Council Meeting Room, 300 East Shepherd, Lufkin, on January 23, 1979, at 2 p.m. Further information may be obtained from Ronald J. Willis, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

*The Deep East Texas Council of Governments*, Board of Directors, will meet in the Ben Ramsey Room, San Augustine Inn, Highway 21 and U.S. 96, San Augustine. Further information may be obtained from Billy D. Langford, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

*The San Jacinto River Authority*, Board of Directors, will meet in the Lake Conroe Office Building, at the dam site on Highway 105 West, Conroe, on January 25, 1979, at 2 p.m. Further information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77301, telephone (713) 538-1111.

*The West Texas Council of Governments*, Executive Committee, will meet at 1025 East North 10th Street, Abilene, on January 24, 1979, at 1 p.m. Further information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 790321

### Meetings Filed January 17, 1979

*The Camino Real Health Systems Agency, Inc.*, Board of Directors, met in emergency session in the conference room on the third floor at 1017 North Main, San Antonio, on January 17, 1979, at 7 p.m. Further information may be obtained from Celso Martinez, 1017 North Main, Suite 310, San Antonio, Texas 78212, telephone (512) 225-4426.

*The North Texas Municipal Water District*, Board of Directors, will meet at the administrative offices, NTMWD Central Plant, Highway 78 East, Wylie, on January 25, 1979, at 4 p.m. Further information may be obtained from Carl W. Rehn, P.O. Drawer C, Wylie, Texas 75098, telephone (214) 442-2217, extension 26.

*The Upper Leon River Municipal Water District*, Board of Directors, will meet in the general office at the Filter Plant, Proctor Lake, Comanche, on January 25, 1979, at 5 p.m. Further information may be obtained from Lowell G. Pittman, P.O. Box 67, Comanche, Texas, telephone (817) 879-2258.

Doc. No. 790357

### Meetings Filed January 18, 1979

*The Alamo Area Council of Governments*, Executive Committee, will meet at 532 Three Americas Building, San Antonio, on January 24, 1979, at 1:30 p.m. Further information may be obtained from Al J. Notzen III, 400 Three Americas Building, San Antonio, Texas 78205, telephone (512) 225-5201.

*The Amarillo MHI/MR Regional Center*, Executive Committee of the Board of Trustees, will meet at the Psychiatric Pavilion, 7201 Evans Street, Amarillo, on January 25, 1979, at 10:30 a.m. The Board of Trustees will meet at the Psychiatric Pavilion on January 25, 1979, at 12:30 p.m. Further information may be obtained from Don Pipes, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

*The Middle Rio Grande Development Council*, A 95 Project Review Committee, will meet in City Council Chambers, City Hall, Uvalde, on January 25, 1979, at 1 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840.

*The Texas Municipal Power Agency*, Board of Directors, met in emergency session at 600 Arlington Downs Tower, Arlington, on January 18, 1979, at 11 a.m. Further information may be obtained from Joel T. Rodgers, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

*The South Texas Health Systems Agency*, GCSAC Plan Development Committee, will meet in Room 113, Allied Health Building, Victoria College, Victoria, on January 24, 1979, at 7 p.m. Further information may be obtained from Paul Villaret, Texas A&I University, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 790370

## Legislative Report

The legislative coverage in the *Register* will include notices on the introduction of each of the approximately 4,000 bills expected during the 140-day session, along with committee referrals. The legislative report will focus on proposed bills and resolutions which, if passed, will have a major impact on issues of concern to citizens on a statewide basis. Organized according to content, the coverage includes legislation regarding energy, environment, education, human services (health and welfare), insurance, economic development, taxes, criminal justice, state and local government, elections, constitutional revision, and consumer affairs. Also to appear in this section will be notices of committee meetings and a bill status list which will indicate the latest action on bills covered in the report.

At the time of publication, House committee assignments had not been made. A list of these committees will be published when available. Senate committee assignments appeared in the *Register* of January 16, 1979 (3 TexReg 169); several changes in these assignments appear in this issue.

### Education

HJR 41 repeals and prohibits all state ad valorem taxes on property and establishes the State Higher Education Assistance Fund to provide permanent improvements at certain institutions of higher education.

### Human Services

SB 167 exempts certain educational facilities and religious organizations from licensing requirements for child care facilities.

### Economic Development

Two bills (HB 409 and SB 134) have been filed to raise the maximum interest rate on loans for residential property to 12 percent. SB 134 was referred to the Committee on Economic Development.

### Taxes

HJR 38 proposes a constitutional amendment requiring a two-thirds vote by the members of both legislative houses to adopt a new or additional state tax or to increase the rate of an existing state tax. HJR 39 would require a majority vote for such measures.

HB 402 (similar to HB 380) would exempt one passenger car and one light truck per family from ad valorem taxation.

### Criminal Justice

SB 146 would offer rewards to persons who provide information leading to arrest and conviction of certain drug offenders.

## State and Local Government

By constitutional amendment, HJR 42 provides that each house of the legislature may meet on no more than 100 days during the regular session. Sessions would remain in odd-numbered years. HB 401 (like SB 124) raises the mandatory retirement age to 70 for public employees.

## Elections

HB 411 changes the dates of primary elections and makes other proposals regarding conventions held by political parties. HB 114, HB 297, and SB 30, which also deal with these issues, were mentioned in previous legislative reports.

## Consumer Affairs

Bills have been introduced in the Senate regarding product liability and have been referred to the Committee on Economic Development. SB 135 allows a system of comparative fault in product liability suits. Bills allowing certain defenses in product liability suits include SB 138 (like HB 373), manufacturer's or seller's compliance with federal or state standards or regulations, SB 136 (like HB 375), misuse of the product; and SB 137 (like HB 376), certain modifications of the product.

## Senate

### Bills Introduced

### Committee Referrals

The following are bills and resolutions filed for action during the 66th Legislative Session. Each bill and resolution is followed in parentheses by the committee to which it has been assigned. In the following list, the bill number appears first, the author(s) second, and the subject of the bill. SB indicates senate bill; SJR indicates senate joint resolution; SCR indicates senate concurrent resolution; and SR indicates senate resolution.

For copies of bills, call Senate Bill Distribution (512) 475-2520.

SR 12 Truan—Commending Rudolfo (Rudy) Flores on his outstanding career of public service to his community and to the people of the State of Texas.

SR 13 Clower—Extending welcome to Don Berry, Stanly H. Lewis, and George E. Spraberry, Jr.

SR 14 Clower—Extending welcome to Charleen Cole.

SR 15 Clower—Extending congratulations to Nancy and David Balfour.

SR 16 Jones of Harris—Providing procedures for the local and uncontest calendar during the 66th Legislature. (Administration)

SCR 7 Clower—Providing for the appointment of a committee to designate the poet laureate of the State of Texas. (Administration)

SCR 8 Clower—Providing for the appointment of a committee to designate the Texas State Artist. (Administration)

SB 126 Schwartz—Amending Chapter 19 of the Water Code, providing for an appropriation. (Finance)

SB 127 Schwartz—Authorizing payment of all money received by the state treasurer pursuant to Section 8, Chapter 391, Page 1068, 65th Legislature, Regular Session, 1977. (Economic Development)

SB 128 Parker—Relating to exempting certain personal automobiles from ad valorem taxation and from forced sale for debt. (Finance)

SB 129 Parker—Relating to exemption from school district ad valorem taxes of part of the value of the residence homestead of an individual who is 65 years of age or who is disabled. (Finance)

SB 130 Parker—Relating to the rights, powers, authority, privileges, and functions of the Port of Port Arthur Navigation District of Jefferson County. (Intergovernmental Relations)

SB 131 Parker—Relating to rights, privileges, duties, and powers of spouses. (Jurisprudence)

SB 132 Jones of Taylor—Making a supplemental appropriation to the attorney general's office. (Finance)

SB 133 Farabee—Relating to supplemental appropriations to the First Court of Civil Appeals, the Fifth Court of Civil Appeals, and the Fourteenth Court of Civil Appeals. (Finance)

SB 134 Meier—Fixing the maximum rate of interest on loans secured by certain residential property. (Economic Development)

SB 135 Farabee—Relating to a system of comparative fault in product liability suits. (Economic Development)

SB 136 Farabee—Relating to misuse as a defense in product liability suits. (Economic Development)

SB 137 Farabee—Relating to certain alterations and modifications of a product as a defense in a product liability suit. (Economic Development)

SB 138 Farabee—Relating to evidence that a product complies with federal or state standards or regulations in certain actions for damages based on strict tort liability. (Economic Development)

SB 139 Brooks—Relating to payments for foster care for certain children ineligible for the aid to families with dependent children program. (Human Resources)

SB 140 Schwartz and Jones of Taylor—Relating to the authority of the Railroad Commission of Texas to promulgate rules necessary to implement state responsibility under federal law or rules. (Natural Resources)

SB 141 Ogg—Relating to the appointment of presiding judges and clerks in certain elections in counties with populations greater than 1,500,000. (State Affairs)

SB 142 Ogg—Relating to the disposition of assets of a corporation, derivative suits, and certain corporate mergers. (Jurisprudence)

SB 143 Ogg—Relating to jurisdiction of a suit affecting the parent-child relationship. (Jurisprudence)

SB 144 Mengden—Relating to the issuance of search warrants to search for and seize evidence of a crime. (Jurisprudence)

SB 145 Mengden—Relating to a defendant's request for a speedy trial in a criminal case. (Jurisprudence)

SB 146 Mengden—Relating to the payment of rewards to persons who provide information leading to arrest and conviction of certain drug offenders. (Jurisprudence)

SB 147 Mengden—Relating to priority for trial of certain drug offenses. (Jurisprudence)

SB 148 Mengden—Relating to the ballot proposition at an election to authorize the issuance of bonds by a political subdivision. (State Affairs)

SB 149 Mengden—Relating to salary increases for members of governing bodies of certain political subdivisions. (Intergovernmental Relations)

SB 150 Price—Relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District of Dallam and Hartley Counties Hospital District of Dallam and Hartley Counties. (Intergovernmental Relations)

SB 151 Schwartz—Making an appropriation to the State Rural Medical Education Board. (Finance)

SB 152 Creighton—Relating to creation of the 269th Judicial District, composed of Erath and Hood Counties, and the office of district attorney for the 269th District and reorganization of the 29th Judicial District. (Intergovernmental Relations)

## Meetings

### Notices Filed January 15, 1979

*Senate Education Committee*, Wednesday, January 17, 1979, upon adjournment, Lieutenant Governor's Committee Room, State Capitol, to consider organizational matters.

*Senate Finance Committee*, Wednesday, January 17, 1979, 9:30 a.m., Senate Finance Committee Room, State Capitol, to consider SB 132 (Jones of Taylor) and SB 133 (Farabee).

*Senate Finance Committee*, Wednesday, January 17, 1979, 2 p.m., Senate Finance Committee Room, State Capitol, to conduct budget hearings. A list of hearings is available in the Secretary of the Senate's office.

*Senate Subcommittee on Nominations*, Tuesday, January 16, 1979, 9:30 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider appointments. A list of appointments are available in the Secretary of Senate's office.

### Notices Filed January 16, 1979

*Senate Committee on Economic Development*, Monday, January 22, 1979, 9 a.m., Lieutenant Governor's Committee Room, State Capitol, to consider organizational matters.

*Senate Finance Committee*, Thursday, January 18, 1979, 9:30 a.m., Senate Finance Committee Room, State Capitol, to conduct budget hearings. A list of hearings are available in the Secretary of the Senate's office.

*Senate Committee on Human Resources*, Wednesday, January 17, 1979, 4:30 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider interim staff reports and SB 85 (Braecklein), SB 115 (Brooks), SB 101 (Doggett), and SB 102 (Doggett).

*Natural Resources Committee*, Wednesday, January 17, 1979, 3 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider SB 140 (Schwartz).

*Senate Subcommittee on Nominations*, Wednesday, January 17, 1979, 9 a.m., Senate Reception Room, State Capitol, to consider appointments. A list of appointments are available in the Secretary of Senate's office.

### Notice Filed January 17, 1979

*Senate Committee on Intergovernmental Relations*, Tuesday, January 23, 1979, 3 p.m., Lieutenant Governor's Committee Room, State Capitol, to consider organizational matters.

## Standing Committees

On January 15, 1979, several changes were made in Senate committee assignments, after publication of a complete committee membership list in the *Register* of January 16, 1979 (3 TexReg 169). These new committee assignments are listed below:

### Economic Development

Tom Creighton, Chairman  
 O. H. (Ike) Harris, Vice Chairman  
 Ed Howard  
 Grant Jones  
 Peyton McKnight  
 W. T. (Bill) Moore  
 Bob Price

### Natural Resources

A. R. (Babe) Schwartz, Chairman  
 Lindon Williams, Vice Chairman  
 Tom Creighton  
 Ray Farabee  
 Glenn Kothmann  
 Walter H. Mengden, Jr.  
 W. N. (Bill) Patman  
 Bob Price  
 E. L. Short  
 Carlos Truan  
 R. L. (Bob) Vale

#### *Subcommittee on Energy*

Walter H. Mengden, Jr., Chairman  
 Ray Farabee, Vice Chairman  
 R. L. (Bob) Vale

## State Affairs

### *Subcommittee on Elections*

Jack Ogg, Chairman  
 Lloyd Doggett, Vice Chairman  
 Ron Clower  
 O. H. (Ike) Harris  
 John Traeger

## Legislative Information System of Texas

### Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 66th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of January 8-12, 1979.

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

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

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.

Friedrich Air Conditioning and Refrigeration Co., San Antonio; paint stripping by dip-tank method; 4200 North Pan Am Expressway; C-7266; new source

Puritan-Bennett Corp., Victoria; nitrous oxide separation plant; C-7265; new source

Lubrizon Corp., Pasadena; manufacture of olefin oligomer, 12801 Bay Area Boulevard; C-7264; new source

Olin Corp., Pasadena; natural gas steam boiler; 2001 Jackson Road; C-7263; new source

BJM Concrete, Rockwall; ready-mix concrete plant; C-7267; new source

American Rice, Inc., Houston; transfer conveyor system; Studemont Plant; C-7268; new source

Frenship Cooperative Association, Wolfforth; ginning facilities; Frenship; C-7269; modification

Issued in Austin, Texas, on January 15, 1979.

Doc No 790320      John B. Turney  
Hearing Examiner  
Texas Air Control Board

Filed January 16, 1979, 9:21 a.m.

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

### Week Ending January 12, 1979

Coastal Bend Gin Co., Corpus Christi; ginning of seed cotton; Bear Lane; C-7252; new source

Quanah Farmers Cooperative Society, No. 1, Quanah; gin; 300 Nelson Street; C-7253; modification

Temple-Eastex, Inc., Evadale; No. 2 woodyard chip cyclone; FM 105; C-7255; new source

Texaco, Inc., Denver City; crude oil storage battery; Roberts Unit Battery No. 1; C-1905A; modification

Texaco, Inc., Denver City; crude oil storage battery; Roberts Unit Battery No. 3; C-1170A; modification

Mobay Chemical Corp., Baytown; alkyl isocyanate plant; C-7254; new source

Valley Ready-Mix Concrete, Inc., McAllen; ready-mix concrete plant; U.S. 83; C-7262; new source

Louisiana Pacific Corp., Lufkin; veneer dryer; Loop 36; C-7261; new source

Dorchester Refining Co., Mt. Pleasant; prefractionator reboiler heater—crude/vacuum unit; West First Street; C-7258; new source

Lone Star Steel Co., Lone Star; blast furnace Dorr wastewater cyanide control system; Highway 259 South; C-7257; new source

J. M. Huber Corp., Borger; carbon black furnace units; C-7256; modification

Dorchester Refining Co., Mt. Pleasant; No. 1 vacuum heater—crude/vacuum unit; West First Street; C-7259; new source

Dorchester Refining Co., Mt. Pleasant; No. 2 vacuum heater—crude/vacuum unit; West First Street; C-7260; new source

# MANUFACTURING



## Department of Banking

### Notice of Application

Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On January 16, 1979, the banking commissioner received an application to acquire control of The First State Bank, Celina, by Jim M. Belew, C. E. Seal II, T. Stuart Ducote, Heinz H. Molsen, Jr., J. Richard Rolater, Fredrick G. Molsen, George H. Spencer, Jr., and David de N. Franklin, all of Dallas, and

J. Verne Hawn, Shreveport, Louisiana. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on January 16, 1979.

Doc No. 790356 Daniel A Flynn  
Banking Commissioner

Filed January 17, 1979, 9 28 a m  
For further information, please call (512) 475-4451

## North Central Texas Council of Governments

### Consultant Qualification Request

**Contact Person:** John J. Roark, director of Transportation and Energy, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011

**Due Date:** February 9, 1979, 5 p.m., in the offices of the NCTCOG Department of Transportation and Energy

**Background.** The North Central Texas Council of Governments intends to sponsor a railroad planning program, the first effort of which is a consultant study to identify impediments to rail flow in the Dallas Fort Worth area. The NCTCOG is initiating a prequalification process with the intention of soliciting request for proposals in March 1979. At this time, the NCTCOG intends to prequalify three or more consultants based on submission of a letter indicating an interest in the project and demonstrating their qualification to perform the required work. Development of joint ventures is acceptable at this time should the firm feel that it is not fully qualified in all areas and that a joint venture with another firm with different skills would strengthen the firm qualifications. The criteria for evaluating the qualifications of each firm are outlined below. It is requested that the firm submit a letter which addresses each of these criteria in the manner stated. A brochure of the firm may be attached.

#### **Evaluation Criteria.**

**Demonstrated managerial skills.** Cite up to three recent projects similar in nature to this one and discuss the firm's ability to complete the work on time and within budget. A reference should also be provided.

**Relevant experience.** Describe briefly the scope of up to three projects similar in nature to this one, which would illustrate that the firm has adequate experience to perform the required work.

**Personnel.** Resumes of the key staff people who would probably be available for the work should be attached to illustrate the quality and scope of the skills the firm staff possesses. Affirmative action information should also be provided, including the Affirmative Action Plan, percent minority ownership of firm, and demographic information on work force.

This information will be utilized by the consultant selection committee to identify those consultants to be asked to submit proposals. Fifteen copies of the qualification material should be submitted. This notice should not be interpreted in any way as a request for proposal, as that process will be initiated

in March 1979. This prequalification process has been established to make the selection process fair and manageable and to limit the amount of time and expense devoted to the preparation of proposals.

A general scope of work for the conduct of the study, providing detailed information on this project, will be furnished upon request from the contact person indicated herein.

Replies must be received by this agency no later than 5 p.m. February 9, 1979.

Issued in Arlington, Texas, on January 12, 1979.

Doc No 790308 William J Pitstick  
Executive Director  
North Central Texas Council of  
Governments

Filed January 15, 1979, 1 50 p m  
For further information, please call (817) 640-3300

## Texas Register Correction of Error

Section (b) of Rule 156.10-20.010 of the rules of the *Texas Water Development Board*, which were published in the Proposed Rules section of the December 15, 1978, issue of the *Texas Register* (3 TexReg 4377), contained several errors. That section should read:

(b) The applicant shall provide the commission with proof of publication. The applicant's submission of a publisher's affidavit, which includes the name of the newspaper, the title of the affidavit, the dates of publication, and the county or counties in which the newspaper is of general circulation, to which is attached a newspaper tear sheet of the notice that was published, will be admissible in the hearing before the commission as prima facie evidence of the facts contained therein.

## Publication of Index

The January 30, 1979, issue of the *Texas Register* will be the cumulative index for 1978. No other documents will be included in that issue. Publication of rules and meeting notices will resume with the February 2, 1979, *Register*. The deadlines for submission of documents for the February 2 issue (Volume 4, Number 9) will be noon Friday, January 26, for all copy except notices of open meetings, and noon Monday, January 29, for open meeting notices.