

6-12

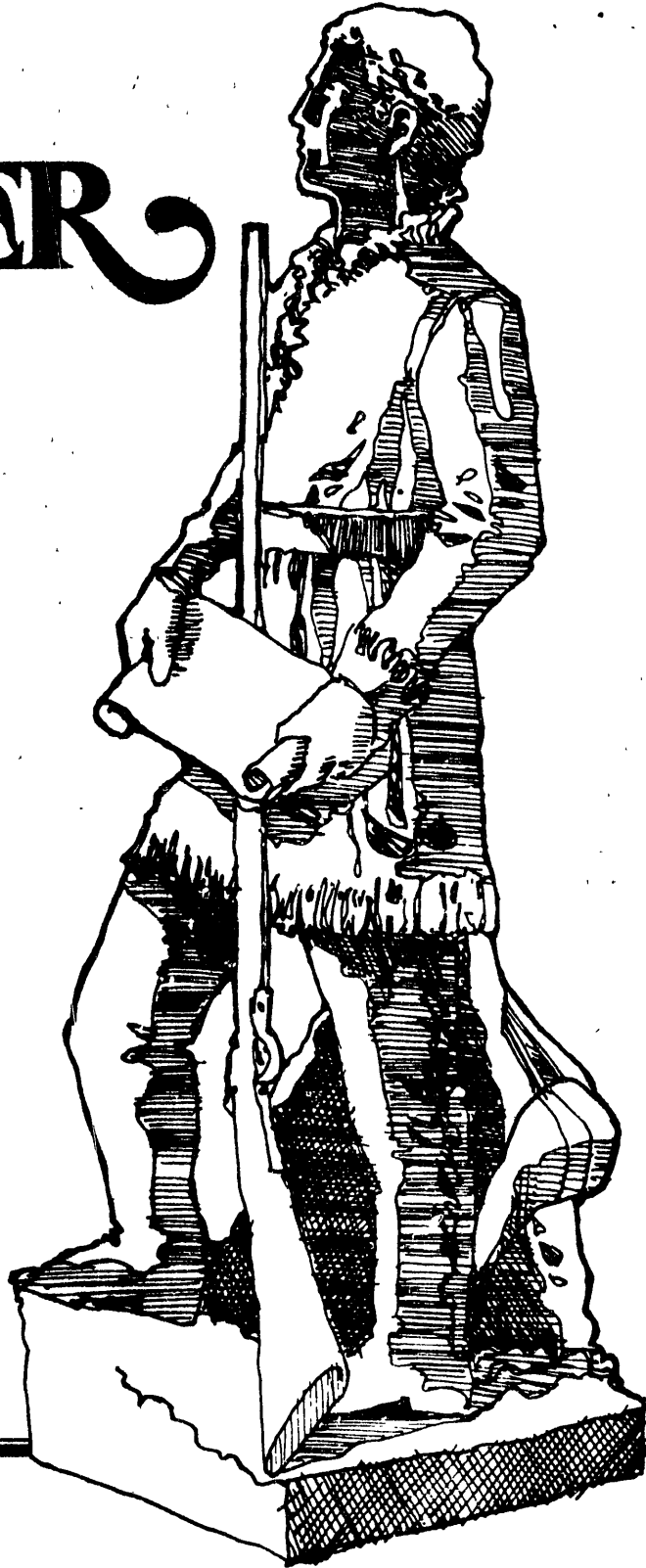
TEXAS REGISTER

In This Issue...

Office of the Secretary of State adopts several amendments and repeals relating to the workflow processing system utilized by the Corporations Division; effective date—March 3..... 675

Polygraph Examiners Board withdraws from consideration for adoption amendments relating to the code of operating procedure for polygraph examiners; and adopts amendments relating to the polygraph examiner internship and amendments relating to the opportunity to explain any questionable responses; effective dates—February 10 and March 3..... 676

State Board of Insurance adopts amendments to the Texas Workers' Compensation and Employers Liability Manual; effective date—March 2..... 677



Office of the Secretary of State

TEXAS STATE LIBRARY

FEB 13 1981

TEXAS DOCUMENTS

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rule sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 4, Jan. 81

HOW TO CITE: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

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

TEXAS REGISTER



George W. Strake, Jr.
Secretary of State

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except January 6, September 4, December 1, and December 29, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824 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 \$40 for units of Texas state government and nonprofit schools and libraries in Texas, and \$60 for all others. Six month subscriptions are also available for \$30 and \$45 respectively. Back issues, when available, are \$1.50 each.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the Texas Register Division director provided no such republication shall bear the legend "Texas Register" or "Official" without the written permission of the director, Texas Register Division. The *Texas Register* is published under the Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry of offices.

POSTMASTER: Please send Form 3579 changes to the Texas Register, P.O. Box 13824, Austin, Texas 78711

Texas Register Division

Charlotte Scrogans, Director

Linda Camp
Gail Myrick
Lindy Siegmund

Emma Lawrence
Dee Wright
Sally Connally
Debbie Swift

Jeff Kampe
Linda Starks
Penny Williams

The Attorney General

Requests for Opinions

- 672 *RQ-526 (concerning whether Cass County commissioners have authority to act as road commissioners or if the commissioners court should appoint a road commissioner for the county or for each precinct)*
- 672 *RQ-527 (concerning whether research on a commercial whey antibody blend done at Texas Veterinary Medical Diagnostic Laboratory is excepted from disclosure as information related to litigation under Section 3(a)(3) of the Open Records Act)*
- 672 *RQ-528 (concerning whether residences owned by the Texas Department of Corrections and provided to its employees at no charge are subject to ad valorem property tax)*
- 672 *RQ-529 (concerning who is to pay the court reporter for taking shorthand notes of a criminal trial proceeding)*
- 672 *RQ-530 (concerning whether it is in violation of Article XVI, Section 40, of the Texas Constitution for a city official, mayor of Pasadena, to accept remuneration from the City of Pasadena while receiving retirement benefits from the state)*
- 672 *RQ-531 (concerning whether the Texas Department of Corrections has the discretion to classify an inmate as a state-approved trusty who has served a portion of the Texas sentence in the actual custody of federal authorities, another state's penitentiary, or a jail; or who is a parole violator or mandatory supervision returnee in a retroactive manner for the period of incarceration in prison or jail prior to release on parole or mandatory supervision)*
- 672 *RQ-532 (concerning where the county was enjoined from participating in regular elections for the commissioners court, if once the injunction was dropped, could proceed to regular elections or must a special election be called; and if a special election should be called, may the county judge or commissioners call it or does the federal judge who granted the injunction call the election)*
- 672 *RQ-533 (concerning whether the Board of Pardons and Paroles has statutory authority to collect unpaid portions of fines and court costs adjudged against the defendant by the convicting court including those adjudged)*
- 673 *RQ-534 (concerning the application and interpretation of Article 3, Section 5, of the Constitution with regard to the operation and order of business in the Texas House of Representatives and the Texas Senate)*

Opinions

- 674 *MW-294 (RQ-427) (concerning return of concurrent criminal jurisdiction over lands to which Texas has previously ceded exclusive jurisdiction to the United States)*

Adopted Rules

Office of the Secretary of State

- 675 *Corporations*

Polygraph Examiners Board

- 676 *Polygraph Examiner Internship*
678 *Code of Operating Procedure for Polygraph Examiners*

State Board of Insurance

- 677 *Rating and Policy Forms*

Open Meetings

- 678 *Texas Aeronautics Commission*
678 *Texas Department of Agriculture*
678 *Texas Commission on the Arts*
678 *State Board of Dental Examiners*
678 *Texas Energy and Natural Resources Advisory Council*
678 *Texas Department of Health*
679 *Texas Health Facilities Commission*
679 *Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids*
679 *Texas Department of Human Resources*
679 *Texas Department of Mental Health and Mental Retardation*
680 *State Board of Nurse Examiners*
680 *State Pension Review Board*
680 *Public Utility Commission*
681 *State Seed and Plant Board*
681 *University of Texas*
681 *Texas Water Commission*
681 *West Texas State University*
682 *Regional Agencies*

In Addition

Texas Department of Community Affairs

- 683 *Consultant Contract Award*
683 *Request for Proposal*

Texas Court Reporters Committee

- 684 *Public Meeting*

Texas Education Agency

- 684 *Correction of Error*

Texas Health Facilities Commission

- 684 *Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate*
685 *Correction of Error*

Legislative Information System of Texas

- 685 *Toll-Free Telephone Number*

Office of the Secretary of State

- 685 *Texas Register—Notice to Complimentary Subscribers*

Indexes

- 686 *TAC Titles Affected in This Issue (Conversion Table)*
686 *Table of TAC Titles*

Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act; Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.

Requests for Opinions

Summary of Request for Opinion RQ-526

Request from Neal E. Birmingham, criminal district attorney, Cass County.

Summary of Request:

- (1) May the county commissioners of Cass County act as road commissioners?
- (2) If not, must the commissioners court appoint a road commissioner for the county or for each precinct?

Doc. No. 810940

Summary of Request for Opinion RQ-527

Request from James B. Bond, general counsel, Texas A&M University System, College Station.

Summary of Request: Is research on a commercial whey antibody blend done at Texas Veterinary Medical Diagnostic Laboratory excepted from disclosure as information related to litigation under Section 3(a)(3) of the Open Records Act?

Doc. No. 810941

Summary of Request for Opinion RQ-528

Request from Roy Blake, chairman, Committee on Administration, Texas Senate, Austin.

Summary of Request: Are residences owned by the Texas Department of Corrections and provided to its employees at no charge subject to ad valorem property tax?

Doc. No. 810942

Summary of Request for Opinion RQ-529

Request from James Warren Smith, Jr., county attorney, Frio County.

Summary of Request:

- (1) Who is to pay the court reporter for taking shorthand notes of a criminal trial proceeding?
- (2) If the county is opined to have to pay for the services of a court reporter, then may this be charged as to costs to a defendant if he's found guilty and convicted?

Doc. No. 810943

Summary of Request for Opinion RQ-530

Request from Bob Bush, chairman, Judiciary Committee, Texas House of Representatives, Austin.

Summary of Request: Does it violate the Texas Constitution (namely, Article XVI, Section 40) for a city official, mayor of Pasadena, to accept remuneration from the City of Pasadena while receiving retirement benefits from the state?

Doc. No. 810944

Summary of Request for Opinion RQ-531

Request from W. J. Estelle, Jr., Texas Department of Corrections, Huntsville.

Summary of Request:

- (1) Does the Texas Department of Corrections have the discretion to classify an inmate as a state-approved trusty who has served a portion of the Texas sentence in the actual custody of federal authorities, another state's penitentiary, or a jail?
- (2) Does the Texas Department of Corrections have the discretion to classify an inmate as a state-approved trusty who is a parole violator or mandatory supervision returnee in a retroactive manner for the period of incarceration in prison or jail prior to release on parole or mandatory supervision?

Doc. No. 810945

Summary of Request for Opinion RQ-532

Request from Bill M. Reimer, county attorney, Comal County.

Summary of Request:

- (1) Where the county was enjoined from participating in regular elections for the commissioners court, may the county once the injunction was dropped, proceed to regular elections or must a special election be called?
- (2) If a special election must be called, may the county judge or commissioners call it or does the federal judge who granted the injunction call the election?

Doc. No. 810946

Summary of Request for Opinion RQ-533

Request from Connie L. Jackson, chairman, Board of Pardons and Paroles, Austin.

Summary of Request:

- (1)(a) Regarding fines and court costs adjudged against the defendant by the convicting court including those adjudged pursuant to Chapter 12 of the Texas Penal Code, Article 1018, Texas Code of Criminal Procedure, Article 1061, et seq., Texas Code of Criminal Procedure, Article 1083, Section 4 (Criminal Justice Planning Fund), Texas Code of Criminal Procedure, Article 4413(29aa), Section 9B(b) (Commission on Law Enforcement Officer Standards and Education), Vernon's Annotated Texas Statutes, and/or Article 8309-1, Section 14(b) (Crime Victims Compensation Act), Vernon's Annotated Texas Statutes, does the board have the statutory authority, under Section 15(g) of Article 42.12, Texas Code of Criminal Procedure, to collect any unpaid portions thereof?
 - (1)(b) If the board is authorized to collect such monies, is it then required to remit any such amounts collected to the

office of the district clerk of the county of conviction or to the office of the Comptroller of Public Accounts?

(1)(c) If the board is required to remit any funds collected by it to another district or state agency or officer, is it authorized to retain a percentage of the amount collected as a fee for said collection, as in Article 1083, Section 7, Texas Code of Criminal Procedure, Article 4413(29aa), Section 9B(f), Vernon's Annotated Texas Statutes, and Article 8309-1, Section 14(e), Vernon's Annotated Texas Statutes?

(2) If the Board of Pardons and Paroles is not authorized to actually collect such fines and/or costs as described in question 1, is it authorized to require, as a condition of parole or mandatory supervision, that the releasee pay any such outstanding amounts to the district clerk or other appropriate district or state official or agency?

(3)(a) If the board is authorized either to collect or require payment of outstanding fines and/or costs, is the amount of such collection/payment limited in an individual case by the language of Section 15(g) of Article 42.12 authorizing the board to adopt "reasonable rules"? That is, in an individual case, where the outstanding fines, court costs, and restitution/reparation would be an unreasonable burden on a releasee considering the length of his or her parole/mandatory supervision period and his or her earning capacity, must the board, in consideration of these factors, order an amount paid which is less than the total amount outstanding?

(3)(b) If the answer to the preceding question is in the negative, and the board is not required to set a reasonable amount in individual cases considering the circumstances thereof, is the board nevertheless authorized to establish as a condition of release that the releasee pay less than the total amount outstanding in fines, court costs and/or restitution/reparation? Or, must the board in the event it determines to establish such a condition of release require that the entire amount outstanding be paid?

(3)(c) In any case where a releasee is ordered to pay either fines, court costs, or restitution/reparation to the victim, must it be shown by the board, as a condition precedent to revocation of parole or mandatory supervision, that the releasee had the ability to pay some or all of the amount which is not in fact paid?

(4)(a) Regarding the board's authority to establish a condition of release requiring the parolee or mandatory supervision releasee to make restitution or reparation to the victim of his or her crime, is the board authorized to establish such a condition where the judgment of the convicting court does not specify a dollar amount of such restitution/reparation?

(4)(b) Where the board orders a releasee to pay restitution/reparation to the victim of his or her crime, is it authorized to collect and disburse such monies, or is the board limited to requiring direct payment from the parolee/mandatory supervision releasee to the victim?

(4)(c) Is the board's authority to impose a condition of release that a parolee or mandatory supervision releasee make restitution or reparation to the victim of his or her crime limited to cases wherein the prisoner was sentenced for an offense committed after the effective date of the statutory amendment to Section 15(g) of Article 42.12, Texas Code of Criminal Procedure, adding the restitution/reparation language—August 29, 1977 (Acts 1977, 65th Legislature, page 925, Chapter 347, Section 1)—or is said authority retroactive and applicable to all cases?

Doc. No. 810947

Summary of Request for Opinion RQ-534

Request from Oscar H. Mauzy, Texas Senate Committee on Jurisprudence, Austin.

Summary of Request: Application and interpretation of Article 3, Section 5, of the Constitution with regard to the operation and order of business in the Texas House of Representatives and the Texas Senate in the following respects:

(1) Do you construe the order of business specified by this section for the first 30 days of the regular session to mean that, subject to suspension of this constitutional rule, the "passing upon the confirmation of the recess appointees of the governor" and "acting upon emergency appropriations" and "the introduction of bills and resolutions" may take place at no other time during the legislative session?

(2) Do you construe the order of business specified by this section for the second 30 days of the regular session to mean that, subject to suspension of this constitutional rule, committee hearings "to consider all bills and resolutions and other matters then pending" may take place at no other time during the legislative session? If so, do you construe this to prohibit committee hearings on any subject including "emergency matters as may be submitted by the governor in special messages" and committee meetings at any other time in the legislative session except the second 30 days? And, do you construe the order of business for the second 30 days to prohibit formal sessions of either house of the legislature except for consideration of "emergency matters"?

(3) Do you construe the order of business specified by this section for the "following 60 days," after the first 60 days, of regular session to mean that, subject to suspension of this constitutional rule, the two houses of the legislature "shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the governor" only in full session? And, do you construe the order of business for this 60-day period to exclude the action of the legislature "upon such bills and resolutions as may be then pending" at any other time during the legislative session?

(4) Do you construe the absence of any mention of an order of business for the final 20 days of the regular session and the specificity of the order of business for the first 120 days of the session to preclude the conduct of any business by the legislature, including the introduction of bills and resolutions, the consideration of emergency appropriations, the consideration of recess appointments of the governor, the holding of committee hearings, and the consideration of emergency matters submitted by the governor?

(5) Do you construe references in this section to "bills, resolutions, and other matters" to include all bills including local or consent bills and all resolutions including simple, joint, and concurrent resolutions?

(6) Do you construe that any action taken by the legislature contrary to this constitutional rule is null and void?

(7) Pursuant to the provisions of Article 3, Section 34, after once considering and defeating a resolution to suspend Article 3, Section 5, may that same house of the legislature again consider in that same legislative session the blanket suspension of the constitutional rule?

Doc. No. 810948

Opinions

Summary of Opinion MW-294 (RQ-427)

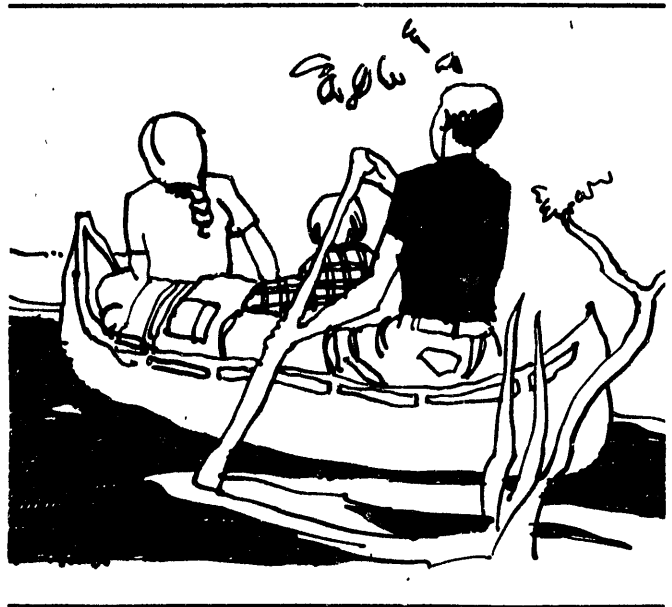
Request from William L. Schroeder, district attorney, Caldwell and Comal Counties, concerning return of concurrent criminal jurisdiction over lands to which Texas has previously ceded exclusive jurisdiction to the United States.

Summary of Opinion: The 1978 amendment by Congress of the Comprehensive Employment and Training Act, 29 United States Code, Section 937(d), did not work an immediate reinstatement of state and local criminal jurisdiction over activities at the Gary Job Corps Training Center. Affirmative action by the state signifying an acceptance of the offer of recession of jurisdiction on the offered terms is necessary to complete the transfer of authority.

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810939 Susan L. Garrison, Chairwoman
Opinion Committee
Attorney General's Office

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



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.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

CODIFIED

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 79. Corporations

General Information and Correspondence

The Office of the Secretary of State amends §§79.1, 79.2, 79.4, 79.5, 79.7, 79.9, 79.10, and 79.12-79.16 (004.20.01.001, .002, .004, .005, .007, .009, .010, and .012-.016) of this title (relating to General Information and Correspondence).

These amendments are part of a general revision of the rules of the Corporations Division which revision was necessitated by recent changes to the workflow processing system utilized by the division. The workflow processing system recently implemented was designed to and has proven effective in reducing the length of time required to process and file corporate and other legal documents. The amendment of these sections serves in part to bring the rules of the division into conformance with current practice and procedure.

These amendments are adopted under the authority of Article 9.03, Texas Business Corporation Act.

§79.1 (004.20.01.001). Address of Communications Intended for the Corporations Division. All letters and other communications intended for the Corporations Division should be addressed to Secretary of State, Corporations Division, P.O. Box 13697, Capitol Station, Austin, Texas 78711.

§79.2 (004.20.01.002). Business To Be Transacted in Writing. All business with the Corporations Division should be transacted in writing. The action of the Corporations Division will be based exclusively on the written record in the division.

§79.3. Receipt of Letters and Documents. Letters or documents received in the Corporations Division are stamped with the date of receipt. The hour of receipt is not noted. Documents are not received in the Corporations Division on Saturdays, Sundays, or state holidays. Documents may be delivered by hand during office hours; office hours are 8 a.m. to 5 p.m. Mail is not considered as received in the Corporations Division until it has been brought from the post office or otherwise hand-delivered to the Office of the Secretary of State.

§79.4. Documents To Be Clear and Legible. All documents must be clear and legible, written with black ink on white paper, so that clear microfilm copies may be made.

§79.5. Verification. A verification is a statement by a notary public or other officer having lawful authority to administer an oath, which states that a document was subscribed and sworn to, or affirmed by words amounting in law to an oath.

§79.6. Requisites of a Verification. The notary's or officer's statement must contain the date signed, must be subscribed and must be authenticated with a seal if the officer is required by law to use a seal.

§79.7. Documents To Contain Verification; Acknowledgment Not Acceptable. When a document is required by law to be verified, an acknowledgment is not acceptable in lieu of the verification.

§79.8. Date of Receipt. The date of receipt of a letter or document is the date stamped or written on the letter, document, or envelope by an employee of the secretary of state. A postmark or a date placed on a letter, document, or envelope by some person other than an employee of the secretary of state cannot be considered as the date of receipt.

§79.9. Date of Filing. The date of filing of documents which conform to law and for which the filing fee has been paid will be the same date as the date of receipt. If a document does not conform to law, it will be returned to the sender. When the document is corrected and resubmitted the date of filing of the document will be the same date as the last receipt. The date of filing may not be a date prior to the date on which the document is found to conform to law.

§79.10. Requested Date of Filing. At the request of the sender, a document may be filed on any date which is on or after the date the document is found to conform to law, even if the requested date falls on a Saturday, Sunday, or holiday. A certificate of filing will not be issued prior to the date stamped on the document as the date of filing.

§79.11. Hour of Filing. The hour of filing of a document will not be noted.

§79.12. Forms Provided. The secretary of state will provide forms for use in filings when required by law, or when convenient for the Office of the Secretary of State.

Doc. No. 810952

The Office of the Secretary of State repeals §§79.3, 79.6, 79.8, 79.11, and 79.17-79.19 (004.20.01.003, .006, .008, .011, and .017-.019) of this title (relating to General Information and Correspondence). The proposed repeal appeared in the January 9, 1981, issue of the *Texas Register* (6 TexReg 28). This

repeal is part of a general revision of the rules of the Corporations Division which revision was necessitated by recent changes to the workflow processing system utilized by the division. The workflow processing system recently implemented was designed to and has proven effective in reducing the length of time required to process and file corporate and other legal documents. The repeal of these rules serves in part to bring the rules of the division into conformance with current practice and procedure.

The repeal was adopted under the authority of Article 9.03, Texas Business Corporation Act.

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810953 H. David Hemdon
Assistant Secretary of State

Effective Date: March 3, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 475-2015.

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

Chapter 391. Polygraph Examiner Internship

The Polygraph Examiners Board amends §391.3 (397.01.00.003) of this title (relating to Internship Training Schedule) which contains a listing of approved polygraph schools.

This amendment is adopted under authority of Section 6(a), Article 4413(29cc), Vernon's Civil Statutes (Polygraph Examiners Act).

§391.3 (397.01.00.003). Internship Training Schedule. The following internship training schedule has been approved and adopted by the board as the minimum requirements of any internship training program and set out the minimum instructional time excluding all reading or study time.

(1)-(12) (No change.)

(13) All intern polygraph examiners are required to take and pass an intern examination prescribed by the board. No intern may administer an actual polygraph examination until he has met these requirements. Interns who have not graduated from a recognized polygraph school must wait at least 30 days from the time of board approval of their internship program before they are eligible to take the intern test. Such approved polygraph schools include the following:

(A)-(M) (No change.)

(N) Munford Institute of Polygraph.

(14)-(18) (No change.)

Doc. No. 810930

The Polygraph Examiners Board adopts §391.4 (397.01.00.004) of this title (relating to State Examinations for Polygraph Examiner License).

This amendment is adopted under the authority of Section 6(a), Article 4419(cc), Vernon's Civil Statutes (Polygraph Examiners Act).

§391.4 (397.01.00.004). State Examinations for Polygraph Examiner License.

(a)-(d) (No change.)

(e) If a majority of the board members give an intern passing grades on the final examination, he shall pass. If there is not a majority giving passing grades, the grades given by all grading members will be totaled and averaged and a grade of 70% must be obtained in order to pass.

(f)-(g) (No change.)

Issued in San Antonio, Texas, on February 9, 1981.

Doc. No. 810931 Ryerson D. Gates
System Administrator
Polygraph Examiners Board

Effective Date: March 3, 1981

Proposal Publication Date: November 4, 1980

For further information, please call (512) 227-6100.

Chapter 395. Code of Operating Procedure for Polygraph Examiners

The Polygraph Examiners Board has withdrawn from consideration for adoption amended §395.8 (397.03.00.008) of this title (relating to Questions Asked Two Separate Times). The amended section as proposed was published in the August 26, 1980, issue of the *Texas Register* (5 TexReg 3472).

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810932 Ryerson D. Gates
System Administrator
Polygraph Examiners Board

Filed: February 10, 1981, 9:07 a.m.

For further information, please call (512) 227-6100.

The Polygraph Examiners Board amends §395.10 (397.03.00.010) of this title (relating to Opportunity To Explain Any Questionable Responses).

This amendment is adopted under authority of Section 6(a), Article 4413(29cc) Vernon's Civil Statutes (Polygraph Examiners Act).

§395.10 (397.03.00.010). Opportunity To Explain Any Questionable Responses. The polygraph examiner shall not render a verbal or a written opinion based on chart analysis until the subject has had an opportunity to explain any questionable responses on the chart that the examiner shall point out to the subject.

Issued in San Antonio, Texas, on February 9, 1981.

Doc. No. 810933 Ryerson D. Gates
System Administrator
Polygraph Examiners Board

Effective Date: March 3, 1981

Proposal Publication Date: October 28, 1980

For further information, please call (512) 227-6100.

NONCODIFIED

State Board of Insurance

Rating and Policy Forms

Workers' Compensation Rates 059.05.55

The State Board of Insurance amends Rule 059.05.55.001, which is the Texas Workers' Compensation and Employers' Liability Manual. There are nine categories involved in this proposed amendment.

The first amendment revises the classification code numbers of five classifications as follows:

	Present	Revised
Chewing gum mfg.	2045	2041
Doll or doll parts mfg.	4489	4484
Drug preparation mfg.	4825	4611
Greenhouse erection	5402	5538
Veneer mfg.	2714	2915

The purpose of reclassifying these low premium classifications is to transfer the activities recited to more credible classifications, which is desirable for ratemaking purposes. Some have had no payroll reported for several years.

The second amendment erects new class Code 7605 for the following classifications:

Burglar alarm installation or repair and drivers
 Fire alarm installation or repair and drivers
 Intercom systems installation or repair and drivers
 Sound systems installation or repair and drivers

The going-in rate of Code 7605 will be the rate of existing Code 7600, which is \$1.16.

The third amendment erects these additional new classifications:

Code 9033—housing authority and clerical, salespersons, drivers (going-in rate 60% of Code 9015 or \$2.92)
 Code 4777—explosives distributors and drivers, and blasting agents—preparation and distribution and drivers (going-in rate the same as Code 4583 or \$3.98)
 Code 6203—oil or gas well drilling—executive supervisor
 Code 1323—oil or gas well servicing—executive supervisor (going-in rates 50% of Code 6202 (\$6.85) and Code 1322 (\$7.05), respectively)

The purpose of these new classifications is to recognize the existence of the respective identifiable industries or exposures in their own rights.

The fourth amendment reclassifies highway mowing and maintenance work from Code 0050 to Code 5506 in the Underwriting Guide, the purpose being to obtain closer analogy between the work performed and the classification assigned.

The fifth amendment revises the wording of class Code 7997, automotive parts store, to indicate that it applies not only to wholesale but also to combined wholesale/retail automotive parts stores and enlarges the footnote to be more definitive.

The purpose is to update the classification more in line with current application.

The sixth amendment revises the rule pertaining to the passenger seat surcharge applied in connection with Code 7421, aircraft operation, to the transportation of personnel in conduct of an employer's business by aircraft or helicopter from \$35 per seat, \$300 maximum per aircraft to \$100 per seat, \$1,000 maximum. The purpose is to update the long outdated surcharge in effect since 1947 designed to provide a reasonable premium charge as a means of securing premium to cover losses incurred due to the catastrophe potential inherent in aircraft accidents.

The seventh amendment inserts additional language in the footnote of class Code 5102, door, door frame, and sash erection, to clearly indicate that overhead door installation is not contemplated by this classification.

The eighth amendment revises the footnote of class Code 8264, bottle dealer, used in order that this classification will hereafter also apply to beverage bottle or can recycling.

The ninth and final amendment inserts a cross-reference in the basic manual classification section for supermarkets to indicate that supermarkets are properly assigned to Code 8033, meat, grocery, and provision store-retail, which represents no change from current practice.

These amendments are adopted pursuant to Articles 1.04, 5.55, and 5.62 of the Texas Insurance Code.

.001. *Texas Workers' Compensation and Employers' Liability Insurance Manual.* The State Board of Insurance adopts by reference the Workers' Compensation and Employers' Liability Insurance Manual as amended on March 1, 1981, which contains rules, classifications, rates, and endorsement forms for workers' compensation and employers' liability insurance. This document is published by and is available from the National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for inspection. Purchase price is \$15.75.

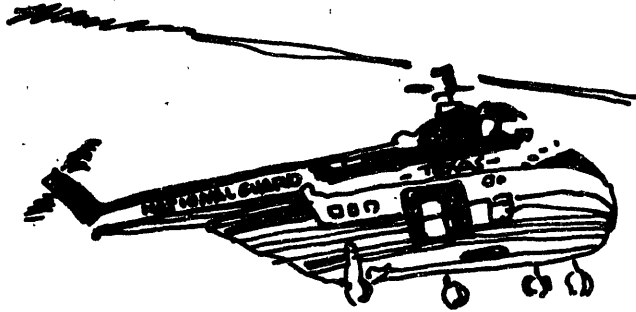
Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810898 Pat Wagner
 Chief Clerk
 State Board of Insurance

Effective Date: March 2, 1981
 Proposal Publication Date: January 9, 1981
 For further information, please call (512) 475-2136.



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

Friday, February 27, 1981, 9 a.m. The Texas Aeronautics Commission is making an addition to the agenda of a meeting to be held in Room 221, 410 East 5th Street, Austin. The addition concerns the following: election of vice chairman of the Airport Development Program—consideration of cancellation of grant to Sonora; and consideration of grant to Cisco.

Information may be obtained from Thomas Butler, 410 East 5th Street, Austin, Texas, (512) 475-4768.

Filed: February 11, 1981, 11:13 a.m.
Doc. No. 810967

Texas Department of Agriculture

Tuesday, March 10, 1981, 10 a.m. The Seed Division of the Texas Department of Agriculture will meet in Room 1046 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda, the division will consider changing the number of wild oats and/or feral oats per pound in planting seed from 40 per pound to allow up to 300 per pound. This proposed amendment is to Regulation 3 (paragraph b) of the Texas Seed Law.

Information may be obtained from Cliff Todd, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

Filed: February 10, 1981, 4:01 p.m.
Doc. No. 810951

Texas Commission on the Arts

Thursday, February 19, 1981, 10 a.m. The Texas Commission on the Arts will meet on the fifth floor of the E. O. Thompson Building, 10th and Colorado, Austin. According to the agenda, the commission will consider the following items: approval of minutes; chairman's report; public discussion; committee reports; and the executive director's report.

Information may be obtained from Margaret L. Dahl, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: February 10, 1981, 4:55 p.m.
Doc. No. 810954

State Board of Dental Examiners

Thursday-Saturday, February 19-21, 1981, 9 a.m. daily. The State Board of Dental Examiners is making an addition to the agenda of a meeting to be held in the Shamrock-Hilton Hotel. According to the agenda summary, the addition concerns the discussion of May 1981 dental hygiene examinations, and pit and fissure sealant course at dental hygiene school.

Information may be obtained from William S. Nail, 718 Southwest Tower, 7th and Brazos, Austin, Texas 78701, (512) 475-2443.

Filed: February 11, 1981, 4:04 p.m.
Doc. No. 810971

Texas Energy and Natural Resources Advisory Council

Tuesday, February 24, 1981, 2 p.m. The Advisory Committee on Energy Efficiency of the Texas Energy and Natural Resources Advisory Council will meet in Room 100, ground floor auditorium, Employee Retirement System Building, 200 East 18th Street, Austin. According to the agenda summary, the committee will consider the following items: presentation of information on the Energy Extension Service; a report on the progress of the subcommittees to the Advisory Committee on Energy Efficiency; a discussion of legislative initiatives; and a discussion of public input on the work of the advisory committee.

Information may be obtained from Deborah Watson, Stephen F. Austin Building, Room 629, Austin, Texas 78701, (512) 475-1183.

Filed: February 12, 1981, 9:25 a.m.
Doc. No. 810980

Texas Department of Health

Saturday, February 21, 1981, 9:30 a.m. The Texas Medical Disclosure Panel of the Texas Department of Health will meet in Room G107, 1100 West 49th Street, Austin. According to the agenda summary, the panel will review the following items: January 10, 1981, minutes; letters of comment and testimony concerning plastic surgical procedures; letters of comment and testimony concerning those procedures of common interest to both plastic surgery and otolaryngology;

and letters of comment and testimony concerning otolaryngologic procedures.

Information may be obtained from E. P. Tottenham, M.D., 1100 West 49th Street, Austin, Texas, (512) 458-7528.

Filed: February 11, 1981, 4:05 p.m.
Doc. No. 810972

Sunday, February 22, 1981, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in Room G-107, 1100 West 49th Street, Austin. According to the agenda summary, the board will consider the following items: election of officers for 1981; approval of minutes of last meeting; hear the following reports: director's, program activities, Medical Committee, industrial radiography, and radiopharmaceutical sciences consultant; discuss legislative activity on Sierra Club's position on low-level waste, Texas Energy and Natural Resources Advisory Council, and Texas Department of Health; and establish date of second quarterly meeting.

Information may be obtained from G. R. Herzik, Jr., P.E., 1100 West 49th Street, Austin, Texas, (512) 458-7541.

Filed: February 11, 1981, 9:34 a.m.
Doc. No. 810963



Texas Health Facilities Commission

Friday, February 20, 1981, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 306 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following application:

Certificate of Need

The Fairmount Company, Inc., Dallas
AN80-0908-042

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: February 11, 1981, 9:49 a.m.
Doc. No. 810962

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

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at the Sheraton Crest Inn, 111 East First Street at Congress, Austin, on the following dates and times:

Friday, February 27, 1981, 8 a.m.-noon, and 1 p.m.-6 p.m., and

Saturday, February 28, 1981, 8 a.m.-10:30 a.m., to conduct state examinations

Saturday, February 28, 1981, 10:30 a.m.-1 p.m., to conduct a board meeting

According to the agenda summary, the board will consider the following items: board action on examinations, Sunset review and update on legislation, president's report, executive director's report and committee reports.

Information may be obtained from R. B. Hall, 1212 Guadalupe, Penthouse Apartments, Suite 105, Austin, Texas 78701, (512) 475-3429.

Filed: February 12, 1981, 9:19 a.m.
Doc. No. 810981

Texas Department of Human Resources

Friday, February 13, 1981, 1 p.m. (telephone conference). The board of the Texas Department of Human Resources held an emergency meeting at 706 Banister Lane, Austin. According to the agenda summary, the board convened by telephone conference to resolve Bradford National Corporation's legal status with regard to the bid process for administration of a portion of the Medicaid Program. It was necessary to conduct this meeting on an emergency basis in order to resolve the legal status of Bradford National Corporation as soon as possible so that implementation of a new bid process can proceed.

Information may be obtained from Bill Woods, 706 Banister Lane, Austin, Texas 78704, (512) 441-3355.

Filed: February 11, 1981, 3:48 p.m.
Doc. No. 810970

Texas Department of Mental Health and Mental Retardation

Thursday, February 19, 1981, 1:30 p.m. The Personnel Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet in Building 502, conference room, Kerrville State Hospital, Kerrville. According to the agenda summary, the committee will consider appointment of superintendent of Big Spring State Hospital.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: February 10, 1981, 4:54 p.m.
Doc. No. 810955

Thursday, February 19, 1981, 2 p.m. The board of the Texas Department of Mental Health and Mental Retardation will meet in Building 502, conference room, Kerrville State Hospital, Kerrville, to discuss the status of pending and potential litigation.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711. (512) 465-4588.

Filed: February 10, 1981, 4:55 p.m.
Doc. No. 810956

Thursday, February 19, 1981, 5 p.m. The Executive Committee of the board of the Texas Department of Mental Health and Mental Retardation will meet in Building 502, conference room, Kerrville State Hospital, Kerrville. According to the agenda summary, the committee will consider the following items: resolution of appreciation; proposed rules on program evaluation—302.04.42; proposed legislation—Mental Health Code revision and community centers construction of facilities; and review of proposals regarding Texas Research Institute of Mental Sciences facilities.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: February 10, 1981, 4:55 p.m.
Doc. No. 810957

Friday, February 20, 1981, 8:30 a.m. The board of the Texas Department of Mental Health and Mental Retardation will meet in Building 502, conference room, Kerrville State Hospital, Kerrville. According to the agenda summary, the board will consider the following items: five percent reduction, Texas Department of Mental Health and Mental Retardation's 1982-83 biennial budget request; legislative program; employee pay increase; aircraft utilization curtailment; use of Terrell State Hospital land proposal; quarterly budget additions and revisions; appointment consideration of Big Spring State Hospital superintendent; resolution of appreciation; proposed rules on program evaluation—302.04.42; proposed legislation—Mental Health Code revision and community centers construction of facilities; and review of proposals regarding Texas Research Institute of Mental Sciences facilities.

Information may be obtained from John J. Kavanagh, M.D., P.O. Box 12668, Austin, Texas 78711, (512) 465-4588.

Filed: February 10, 1981, 4:54 p.m.
Doc. No. 810958

State Board of Nurse Examiners

Wednesday, February 25, 1981, 8 a.m. The State Board of Nurse Examiners will meet in Parlors A and B of the Sheraton Crest Inn, 111 East 1st Street, Austin. According to the agenda summary, the board will conduct disciplinary and informal hearings; discuss the education report on faculty petitions and clinical facilities; and conduct examination session.

Information may be obtained from Margaret Rowland, R.N., 510 South Congress, Room 216, Austin, Texas 78704, (512) 478-9602.

Filed: February 11, 1981, 4:03 p.m.
Doc. No. 810973

State Pension Review Board

Monday, February 23, 1981, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet in Room G35B in the State Capitol. According to the agenda, the committee will meet in a regularly scheduled weekly work session to discuss upcoming legislation.

Information may be obtained from Lynda Baker, 105 West 15th Street, Reagan Building, Room 200, Austin, Texas, (512) 475-3807.

Filed: February 12, 1981, 9:15 a.m.
Doc. No. 810979

Public Utility Commission of Texas

Monday, February 23, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3716—application of Southwest Electric Power Company for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 11, 1981, 9:35 a.m.
Doc. No. 810984

Monday, February 23, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3717—application of Rio Grande Electric Cooperative, Inc., for a rate increase.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 11, 1981, 4:03 p.m.
Doc. No. 810974

Thursday, February 26, 1981, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3698—application of Tasfield Water Company, Inc., for a rate/tariff change within Harris County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: February 11, 1981, 4:03 p.m.
Doc. No. 810975

Tuesday, April 14, 1981, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3620—application of Briarcliff Utilities, Inc., for a rate increase within Travis County (water), and Docket 3621—application of Lake Kiowa Utilities, Inc., for a rate increase within Cooke County (water).

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

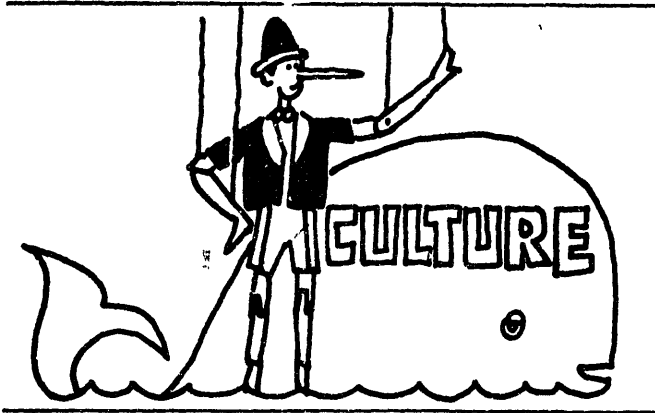
Filed: February 11, 1981, 9:35 a.m.
Doc. No. 810965

State Seed and Plant Board

Monday, February 23, 1981, 10 a.m. The Seed Division of the State Seed and Plant Board will meet in Room 934 of the Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda summary, the board will consider items of business pertaining to seed and plant certification. The division will consider applications for license as "certified seed grower"; applications for approval of new crop variety releases; election of officers; and appointment of Winter Test Sorghum Advisory Committee.

Information may be obtained from Cliff Todd, Box 12847, Austin, Texas 78711, (512) 475-2038.

Filed: February 10, 1981, 4:02 p.m.
Doc. No. 810950



University of Texas

Thursday and Friday, February 12 and 13, 1981, 1 p.m. and 9 a.m., respectively. The University of Texas Board of Regents met in emergency session in the regent's meeting room, Ashbel Smith Hall, ninth floor, 201 West 7th Street, Austin. According to the agenda, the board considered a recommendation for the naming of certain facilities on the campus of University of Texas at Austin. The reason for the emergency meeting was that the matter came up too late to meet the 72-hour posting requirement.

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

Filed: February 12, 1981, 8:42 a.m.
Doc. No. 810978

Friday, February 13, 1981, 1:30 p.m. The Athletics for Women Division of the University of Texas at Austin held an emergency meeting in Room 606 of Bellmont Hall, San Jacinto between 21st and 23rd Streets, Austin, to consider the following items: approval of minutes of last meeting; old business—varsity club sports policy; report on 1981 AIAW delegate assembly; report on 1981 NCAA convention; and academic data; new business—1980-81 budget adjustments; 1981-82 budget proposal; Athletic Council expansion; scholarship contracts-transfer policy; and miscellaneous. The division also met in executive session. The emergency meeting was necessary because the director had been out of town and the agenda could not be completed.

Information may be obtained from Charlotte Lucas, Bellmont 606, Austin, Texas 78712, (512) 471-7693.

Filed: February 11, 1981, 11:28 a.m.
Doc. No. 810968

Texas Water Commission

Tuesday, March 10, 1981, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, for petition for organization of Fort Bend County Municipal Utility District 34 containing 575.15 acres.

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

Filed: February 11, 1981, 3:06 p.m.
Doc. No. 810969

West Texas State University

Tuesday, February 24, 1981, 10 a.m. The West Texas State University Board of Regents will meet in Room 216 of the Activities Center, West Texas State University, Canyon. According to the agenda summary, the board will consider the following business and finance items: budget changes; contracts; application for 13 grants from Department of Energy through Texas Energy and Natural Resources Advisory Council to accomplish energy conservation measures; increase revolving fund; consideration of use of university land east of main campus in Armory area; final report of Regents' Property Committee on purchase of university home; report of Advisory Athletic Committee and consideration of intercollegiate athletics. In addition, the board will consider faculty, staff, and curriculum items—retirement, employment, resignation, and last class day report. An executive session will also be convened.

Information may be obtained from Texas Smith, P.O. Box 997, Canyon, Texas 79016, (806) 656-3962.

Filed: February 11, 1981, 8:47 a.m.
Doc. No. 810977

Regional Agencies

Meetings Filed February 10, 1981

The Education Service Center, Region VIII, Board of Directors, will meet at the Alps Restaurant, IH 30, Mount Pleasant, on February 19, 1981, at 11:30 a.m. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-6676.

The Texas Municipal Power Agency, Personnel Committee, held an emergency meeting at 2225 East Randol Mill Road, Arlington, on February 12, 1981, at 11:30 a.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

The West Central Texas Council of Governments, Alcoholism/Drug Abuse Advisory Committee, will meet at the West Central Texas Council of Governments administrative offices, 1025 East North 10th, Abilene, on February 23, 1981, 10:30 a.m. Information may be obtained from Sue Johnson, P.O. Box 3195, Abilene, Texas, 79604, (915) 672-8544.

Doc. No. 810938

Meetings Filed February 11, 1981

The Education Service Center, Region XIV, Board of Directors, will meet at 1850 Albany Highway, Abilene, on February 19, 1981, 5 p.m. Information may be obtained from Dr. Thomas Lawrence, P.O. Box 3258, Abilene, Texas 79604, (915) 676-8201.

The Golden Crescent Council of Government, Executive Committee, will meet in the LaSalle Room, Victoria Bank and Trust Building, 120 South Main, Victoria, on February 25, 1981, at 3:30 p.m. Information may be obtained from Joe Atkinson, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at the authority's offices, 933 East Court Street, Seguin, on February 19, 1981, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822.

The Lower Neches Valley Authority, Board of Directors, will meet in the conference room of the LNVA Office Building, 7850 Eastex Freeway, Beaumont, on February 17, 1981, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77706, (713) 289-4011.

The South Texas Development Council, Government Application Review Committee, will meet at the Zapata Community Center in Zapata on February 19, 1981, at 4 p.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Trinity River Authority of Texas, Legal Committee, will meet in the executive conference room at TRA's general office, 5300 South Collins, Arlington, on February 17, 1981, at 10 a.m. The Administration Committee will meet in the same location on February 18, 1981, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The West Central Texas Council of Governments, A-95 Physical Planning Advisory Committee, will meet at 1025 E. N. 10th Street, Abilene, on February 18, 1981, at 11 a.m. Information may be obtained from Jerry Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

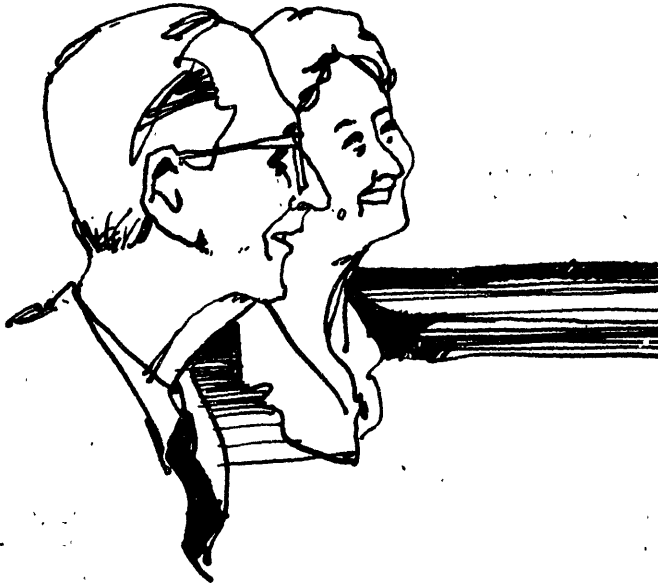
The West Texas Health Systems Agency, Governing Body, will meet in the Erica Room at the Roadway Inn, 6201 Gateway West, El Paso, on February 19, 1981, at 7:30 p.m. Information may be obtained from Cory Vaughan, 303 North Oregon, Suite 700, El Paso, Texas 79901, (915) 532-2910.

Doc. No. 810966

Meetings Filed February 12, 1981

The Concho Valley Council of Governments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on February 18, 1981, at 7 p.m. Information may be obtained from James F. Ridge, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

Doc. No. 810982



Texas Department of Community Affairs

Consultant Contract Award

Contractor; Contract Period; Description of Services To Be Performed. The Texas Department of Community Affairs announces that Intercultural Research, Inc., has been awarded a contract for the period of February 1, 1981, through September 30, 1981, for the purpose of compiling and evaluating socioeconomic data pertinent to migrant/seasonal farmworkers in the State of Texas. Intercultural Research, Inc., will perform an extensive study of past and current migrant/seasonal farmworker population surveys and demographic studies. Intercultural Research, Inc., will also provide the department with a directory of migrant/seasonal farmworker social services and service providers, a sample survey instrument based on the information they have gathered, and a bibliography of the sources they have utilized, by the end of the contract period, September 30, 1981.

Intercultural Research, Inc., is located at P.O. Box 12350, El Paso, Texas 79912.

Total Value of Contract. The total cost of the research services to be provided under this contract is \$48,000.

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810920 Jeanne Marcus
 General Counsel
 Texas Department of Community Affairs

Filed: February 9, 1981, 2:47 p.m.
 For further information, please call (512) 475-6903.

Request for Proposal

Notice of Invitation for Program Proposal. The Texas Department of Community Affairs under the authority of its enabling act, Article 4413(201), Texas Revised Civil Statutes Annotated, announces a request for proposals (RFP) from its Children and Youth Services Division. TDCA is soliciting proposals to administer and deliver services to young children and their families in a broad range of program areas. Preference will be given to (1) direct services for children and families within small communities, and (2) programs that meet documented community or statewide needs. Programs may serve children older than age six if children under six are also included. Examples of potential program areas are included in the proposal packet.

TDCA will accept, review, and select proposals for services during three funding cycles:

- Cycle 1. Proposals for four- to nine-month programs will be received from September 5, 1980, through October 24, 1980. Contracts will begin on or after December 1, 1980.
- Cycle 2. Proposals for four- to six-month programs will be received from November 1, 1980, through January 23, 1981. Contracts will begin on or after March 1, 1981.
- Cycle 3. Proposals for four-month programs only will be received from February 1, 1981, through March 20, 1981. Contracts will begin no later than May 1, 1981.

This announcement applies to Cycle 3 only.

If TDCA chooses to enter into and execute any contract for services, the period of performance will begin no earlier than May 1, 1981, and shall not extend past August 31, 1981. Approximately \$130,000 total is available for funding programs in all cycles.

Qualifications Desired by TDCA. Applicants eligible to respond to this request should be public or private nonprofit organizations, including state and local governments, with appropriate expertise. Individuals and profit-making organizations are not eligible. Applicants must give evidence of capability to accomplish requested services and document applicants' legal authority to contract with TDCA to provide these services.

Deadline for Submission of Proposals in Response to this Announcement. Proposals submitted during this RFP cycle will not be accepted after 5 p.m. Friday, March 20, 1981, unless postmarked on or before March 18, 1981. Proposals may be hand delivered up to the deadline to the Children and Youth Services Division, third floor, Texas Department of Community Affairs Building, 210 Barton Springs Road, Austin, on any workday between 8 a.m. and 5 p.m.

Duration of Programs and Amount of Funding. Programs for Cycle 3 should be proposed for a period of four months, beginning on or after May 1, 1981, and ending on or before August 31, 1981.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this advertisement, and intends the material pro-

vided herein only as a means of identifying the various contractor alternatives and the general cost of the services desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific program contracts. In the event that TDCA selects a contractor to provide the delivery of services described herein, TDCA will base its choice on factors such as demonstrated competence and qualifications of the offeror and the reasonableness of costs. Other factors upon which selection will be based are included in the proposal package. This request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of appropriated funds. Issuance of this material in no way obligates TDCA to award a contract or to pay cost incurred in the preparation of a response hereto. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variance to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

Person To Contact. To receive a proposal package, contact Bill Orman, director, Children and Youth Services Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-5833 or 1-800-252-9642.

Issued in Austin, Texas, on February 9, 1981.

Doc. No. 810949 Jeanne Marcus
 General Counsel
 Texas Department of Community Affairs

Filed: February 10, 1981, 3:09 p.m.

For further information, please call (512) 475-5833.

Texas Court Reporters Committee Public Meeting

The Texas Court Reporters Committee will hold a public meeting on Saturday, February 21, 1981, at 8:30 a.m., in the "Sul Ross" Room, D-skill Hotel, Austin. The agenda includes report on staff activities; status report on applications received; status report on certification renewals for 1980; financial report; official complaint hearing; statistical information on examinations administered; review of pending applications for certification; pending correspondence.

For further information, contact C. Raymond Judice, executive director, Texas Law Center, 1414 Colorado, Suite 600, Austin, (512) 475-2421.

Issued in Austin, Texas, on February 10, 1981.

Doc. No. 810959 Jim Hutcheson
 Chief Counsel
 Texas Court Reporters Committee

Filed: February 11, 1981, 9:35 a.m.

For further information, please call (512) 475-2421.

Texas Education Agency Correction of Error

An adopted rule submitted by the Texas Education Agency contained an error as published in the February 6, 1981, issue of the *Texas Register* (6 TexReg 564). Subsection (b)(5) of Rule 226.74.01.020 should have read:

"(5) establishing a centralized function to serve as liaison with the federal and state governmental agencies and school districts on national educational matters."

Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of February 9, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

St. Anthony's Hospital, Amarillo (2/9/81)

AH78-1010-025A (020681)

AMD/CN—Request to extend the completion deadline and a partial change in the source and method of financing the project in Certificate of Need AH78-1010-025 (the certificate authorized the construction of an 8,800 square feet addition to the hospital and the relocation, consolidation, and expansion of certain hospital functions)

Scott and White Memorial Hospital and Scott, Sherwood, and Brindley Foundation, Temple (2/9/81)

AH81-0202-015

EC—To purchase an IBM Model 2997 blood cell separator for the blood bank and the hospital

Issued in Austin, Texas, on February 11, 1981.

Doc. No. 810960

Linda E. Zatopek
Assistant General Counsel
Texas Health Facilities Commission

Filed: February 11, 1981, 9:49 a.m.

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

Correction of Error

Several applications accepted for exemption certificate, declaratory ruling, transfer and amendment of certificates during the period of January 17-26, 1981, submitted by the Texas Health Facilities Commission for publication in the In Addition section of the February 3, 1981, issue of the *Texas Register* (6 TexReg 527) were inadvertently omitted. The applications omitted should read as follows:

Port Arthur Home Health Services, Port Arthur (1/26/81)

AS81-0122-022

EX—Request to relocate the applicant home health agency from 2915 Park Plaza in Port Arthur to 3086 25th Street in Port Arthur

The Methodist Hospital, Houston (1/26/81)

AH81-0122-016

EC—Request to acquire a dual-photon densitometer to be used in quantitation of bone mass

Doctors Building Hospital, Inc., doing business as Doctors Hospital, Corpus Christi (1/26/81)

AH81-0120-020

DR—Request that neither a certificate of need nor an exemption certificate is required for the liquidation of Doctors Building Hospital, Inc., the owner and operator of Doctors Hospital in Corpus Christi

Ella Austin Community Center, San Antonio (1/26/81)

AO81-0102-014

EC—Request to expand existing medical and social services currently provided by the applicant by establishing a Young Family Services Program which will target adolescents 21 years of age and under with emphasis placed on reaching adolescents 14-17 years

Legislative Information System of Texas

Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th 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 ~~1-800-252-9699~~ for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

Office of the Secretary of State

Texas Register

Notice to Complimentary Subscribers

The Texas Register Division is currently updating its listing of complimentary subscribers. If you are now receiving or are eligible to receive a complimentary subscription, please contact this office before March 1, 1981.

The following are eligible to receive a subscription to the *Register* free on request: each board, commission, and department having statewide jurisdiction; the governor; the lieutenant governor; the attorney general; each member of the legislature; each county clerk; the supreme court, the court of criminal appeals, each court of civil appeals; and each state depository library. If you are no longer eligible to receive a complimentary subscription, you may renew your subscription by notifying this office at the address below. We will ensure that there is no lapse in your subscription and bill you accordingly.

Complimentary subscribers who wish to continue their subscription should send a copy of their mailing label complete with necessary changes to:

Office of the Secretary of State
Texas Register Division
P.O. Box 13824, Capitol Station
Austin, Texas 78711

If you are not currently receiving a complimentary subscription and wish to do so, please send a request stating your eligibility and mailing address to the address above.

Please refer any questions regarding subscriptions to Dee Wright at (512) 475-7886.

TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §§79.1, 79.2, 79.4, 79.5, 79.7, 79.9, 79.10, 79.12-79.16 (004.20.01.001, .002, .004, .005, .007, .009, .010, .012-.016)	675
1 TAC §§79.3, 79.6, 79.8, 79.11, 79.17-79.19 (004.20.01.003, .006, .008, .011, .017-.019)	675

TITLE 22. EXAMINING BOARDS

Part XIX. Polygraph Examiners Board

22 TAC §391.3 (397.01.00.003)	676
22 TAC §391.4 (397.01.00.004)	676
22 TAC §395.8 (397.03.00.008)	676
22 TAC §395.10 (397.03.00.010)	676

TITLE 28. INSURANCE

Part I. State Board of Insurance

Noncodified (059.05.55.001)	677
-----------------------------------	-----

Table of TAC Titles

TITLE 1. ADMINISTRATION
TITLE 4. AGRICULTURE
TITLE 7. BANKING AND SECURITIES
TITLE 10. COMMUNITY DEVELOPMENT
TITLE 13. CULTURAL RESOURCES
TITLE 16. ECONOMIC REGULATION
TITLE 19. EDUCATION
TITLE 22. EXAMINING BOARDS
TITLE 25. HEALTH SERVICES
TITLE 28. INSURANCE
TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 34. PUBLIC FINANCE
TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION

Second Class Postage

PAID

Austin, Texas
and additional entry offices

75365212 INTER-AGENCY
TEXAS STATE LIBRARY
PUBLICATIONS CLEARINGHOUSE 303
LIBRARY AND ARCHIVES BLDG
AUSTIN, TX 78711

TEXAS REGISTER

Please use the blank below to order a new subscription or to indicate change of address. Questions concerning existing subscriptions should refer to the subscription number on the mailing label from the back of an issue. If copies of back issues are desired, this form may be used for that purpose, also. Specify in the appropriate blank the number of new subscriptions requested, or the exact dates of the back issues ordered. Subscriptions are \$40 for units of Texas state government and nonprofit schools and libraries in Texas, and \$60 for all others. Six-month subscriptions are also available for \$30 and \$45, respectively. Each copy of a back issue is \$1.50. Please allow three weeks for processing.



For information concerning
the *Texas Register* call:
(512) 475-7886.

APPLICATION FORM

For Change of Address, Affix Label

(Please type or print)

Name _____

Organization _____

Occupation _____

Address _____ Telephone _____

City _____ State _____ ZIP _____

- New subscriptions
 Six-month subscriptions
 Copies of back issues
Please specify dates of issues desired:

Mail to:
Secretary of State
Texas Register Division
P.O. Box 13824
Austin, Texas 78711

\$ _____ Amount Enclosed _____ Bill Me

PLEASE MAKE CHECKS OR MONEY ORDERS PAYABLE TO SECRETARY OF STATE