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# TEXAS REGISTER

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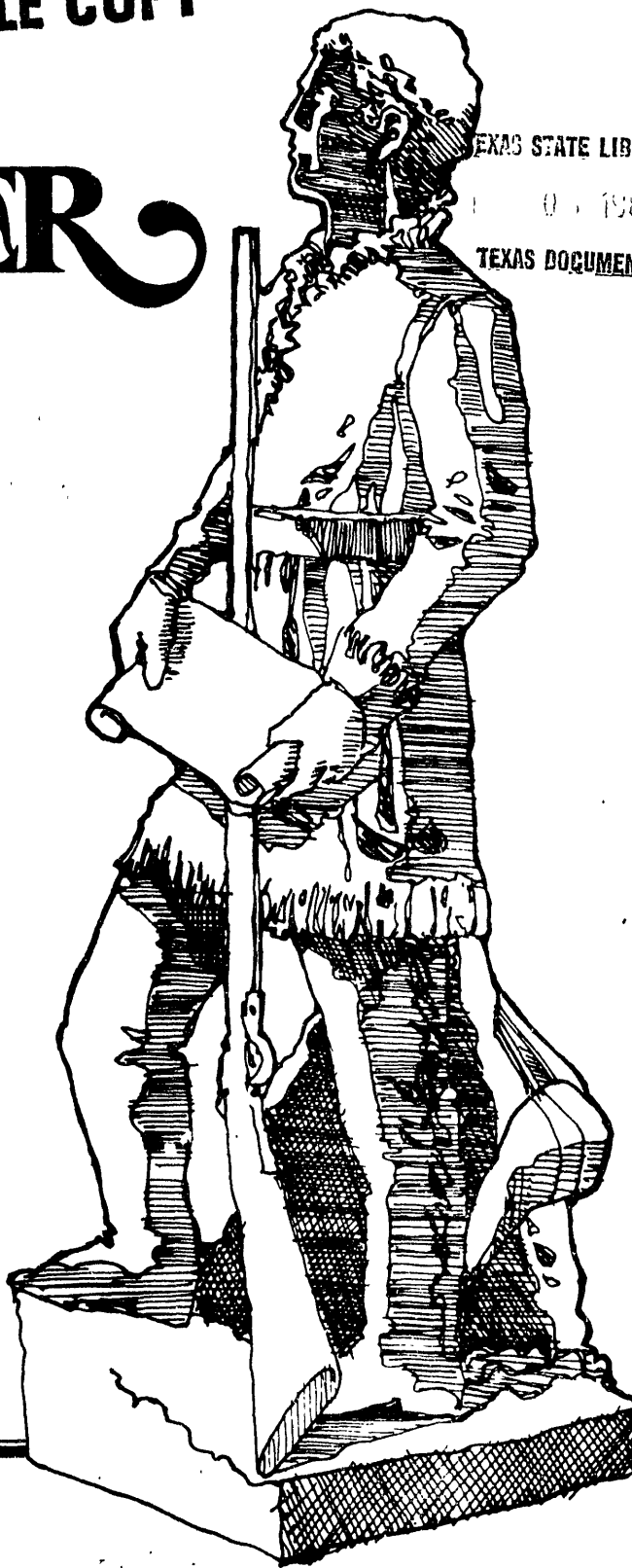
TEXAS DOCUMENTS

## In This Issue...

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Office of the Secretary of State

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 rules 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, 25, 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)

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

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



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George W. Strake, Jr.  
Secretary of State

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

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## CODIFIED

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### TITLE 25. HEALTH SERVICES

#### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 403. Other Agencies and the Public

#### Subchapter L. Tax-Sheltered Annuity Program for Department Employees

The Texas Department of Mental Health and Mental Retardation proposes to amend §§403.323-403.326, 403.330, 403.332, and 403.334 (302.03.16.003-.006, .010, .012, and .014) which govern the Tax-Sheltered Annuity Program for department employees.

The proposal would amend §403.323 (.003) which contains definitions of terms used in this subchapter. A new definition would be added wherein the term gross compensation would be defined to include an employee's basic salary plus additional pay for physicians and dentists and board certifications plus supplemental pay if any. Night nurse differential pay, fire brigade pay, and any housing emolument would not be included. The proposal also would add a new subsection (f) to §403.324 (.004) which would name the personnel officer at each facility as responsible for the administration of the Tax-Sheltered Annuity Program at that facility. The personnel officer would also be the primary point of contact for company representatives.

The amendments would amend §403.325 (.005) which sets forth general information concerning the Tax-Sheltered Annuity Program of the department. Subsection (c) could be amended so that the language which defines gross compensation would be deleted since that term would be defined within the proposed amendment to §403.323 (.003). A provision would be added to subsection (d) whereby not more than 25% of an employee's gross compensation and not more than \$7,500 annually may be tax-deferred.

Subsection (d) of §403.326 (.006) would be amended to clarify that an employee may not purchase annuities from more than one company at a time. The proposed amendments to §403.330 (.010), which governs what is required for an employee to cancel his participation in the program, would delete unnecessary language from the provision which states that termination of employment will automatically cancel a tax-sheltered annuity agreement. A provision would be added whereby an employee would also be able to contract for annuity payments once a tax-sheltered annuity agreement has been canceled.

The proposed amendments to §403.332 (.012), which governs insurance companies and company representatives, would amend subsection (a) so that only an insurance company which is approved by the department may contract with an employee for the purchase of annuities. The contents of existing subsection (a) would be moved to subsection (b) with an additional requirement that the president or general counsel of the company submitting the proposal sign it. Subsection (c) would be amended to require a company to offer both fixed and variable annuity products and to have an agency force sufficient to be able to provide services to all enrolled employees at each department facility in order for it to be approved for participation in the Tax-Sheltered Annuity Program of the department. Subsection (k) would be amended to require the personnel officer at each department facility to verify the data that any tax-sheltered annuity calculations are based on to the extent that such data is available in the personnel record.

The proposed amendments to §403.334 (.014) would add three new provisions to Exhibit D which contains the specifications that a company is required to meet when submitting a proposal to the department. The new provisions would require the company to provide a list of agents who would sell and service annuity accounts; would require companies to offer both a fixed and variable annuity product; and would require the company's president or general counsel to sign its proposal.

The proposed amendments will have no known fiscal implications for state or local units of government (source: Legal and Claims Division).

Public comment is invited and may be submitted in writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning (512) 454-3761.

The following amendments are proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

**§403.323 (302.03.16.003). Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Gross compensation—The employee's basic salary plus additional pay for physicians and dentists and board certifications plus supplemental pay, if any, plus state-paid employee social security contributions. (Night nurse differential pay, fire brigade pay, and a housing emolument are not included.)**

**§403.324 (302.03.16.004). Appointment of Agents of Record; Appointment of a Tax-Sheltered Annuity Committee; Replacement of Members Unable To Serve; Appointment of New Members.**

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

**(f) The personnel officer at each facility is responsible for the administration of the Tax-Sheltered Annuity Program at that facility. The personnel officer shall be the primary point of contact for company representatives.**

**§403.325 (302.03.16.005). Employee Participation: General Information Concerning the Tax-Sheltered Annuity Program of the Department.**

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

(c) TSA agreement will provide that an employee's salary will be reduced in equal monthly installments. Withholding tax will be based upon the employee's gross compensation after the salary reduction. Deductions for social security and retirement contributions will be calculated on the amount of gross compensation before the salary reduction and, therefore, are not affected by the purchase of a tax-sheltered annuity. [An employee's monthly gross compensation, for the purposes of TSA Program calculations, is the employee's basic salary plus additional pay for physicians and dentists and board certification plus supplemental pay, if any. Night nurse differential pay, fire brigade pay, and a housing emolument are not included.] Sufficiently monthly salary must remain after the salary reduction to meet social security, retirement, and income tax withholding obligations. The employee must also insure that sufficient monthly salary remains for other existing or anticipated payroll deductions [such as group insurance, family life insurance, and housing] since there is no medium through which such payments may be regularly made except through payroll deductions.

(d) The Internal Revenue Code of 1954, as amended, governs the **amount** [determination of the percentage] of an employee's monthly compensation that may be deferred in a TSA Program. The maximum amount of an employee's monthly compensation that may be deferred is determined by the preparation of the Exclusion Allowance Worksheet. Participation in the State Deferred Compensation Program reduces the monthly **amount** [compensation] for exclusion allowance purposes under a TSA Program by the amount of the Deferred Compensation Program salary reduction. **If an employee is participating in the department TSA Program and the State Deferred Compensation Plan, the combined maximum amount that may be deferred is 25% of gross compensation but not more than \$7,500 annually.**

(e)-(f) (No change.)

**§403.326 (302.03.16.006). Employee Participation: Enrollment.**

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

(d) An employee may designate that his contribution be used to purchase fixed annuities or variable annuities or both, but an employee may not designate that such purchases

will be made from more than one company **at** [for] a [given period of] time.

**§403.330 (302.03.16.010). Employee Participation: Cancellation.**

(a) (No change.)

(b) Termination of employment with the department [other than by an interdepartmental transfer described in §403.328 (302.03.16.008) of this title (relating to Employee Participation Amendment)] will automatically cancel the TSA agreement effective upon the last date of employment [with this department] for payroll purposes. Upon such termination the employee may either withdraw the value of the employee's account, [or] make such arrangements for a paid-up annuity as are permitted by the terms of the contract, **or contract for annuity payments.**

**§403.332 (302.03.16.012). Company and Company Representatives.**

**(a) Only an insurance company which is approved by the department for participation in the TSA Program may contract with an employee for the purchase of annuities.**

**(b) [(a)] A company which desires to participate in the Tax-Sheltered Annuity Program of the department must submit a proposal in response to the specifications that have been established by this department and that are contained in Exhibit D, which follows this section and shall be referred to as Exhibit D. Such proposal must be signed by the president or general counsel of the company.** Requests for specifications of proposal should be directed to the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711. Proposals received by February 28th of each year will be considered by the department Tax-Sheltered Annuity Committee for participation in the department TSA Program. Companies recommended by the TSA Committee and approved by the commissioner or his designee for participation in the department TSA Program will be notified of their selection on or before May 1.

**[(b)] Only a representative of an insurance company which is approved by the department for participation in the TSA Program may contract with an employee for the purchase of annuities.**

**(c) To be approved [by the department] for participation in the TSA Program of the department a company must offer both fixed and variable annuity products and must have an agency force sufficient [an insurance company must agree] to be able to provide comprehensive and continuing service to [enrolled] employees enrolled in the TSA Program at each facility of the department.**

(d)-(j) (No change.)

**(k) TSA agreement forms and exclusion allowance worksheets will be furnished by the department and will be available at the personnel office of each department facility. Application forms shall be furnished by the company. Each company representative is responsible for submission of the completed forms to the personnel officer of the department facility at which the employee is employed. The personnel officer of each department facility shall verify the employee data upon which the TSA calculations are based to the extent that such data is available in the personnel record.**

(l) (No change.)

**§403.334 (302.03.16.014). Exhibits.**

(a) The following exhibits are set out in this subchapter as:

(1)-(3) (No change.)

(4) Exhibit D—Specifications of proposal **as amended.**

(b) (No change.)

Doc. No. 811258

## Chapter 405. Client (Patient) Care

### Subchapter O. Client Abuse

The Texas Department of Mental Health and Mental Retardation proposes to amend Exhibit B which is the form used to report incidents of client abuse or neglect and is referred to in §405.366 (302.04.19.006) which describes procedures for reporting such incidents. The proposed changes in the Client Abuse/Neglect Report Form would serve to clarify how the form is to be used as well as assist in coding such forms for internal use.

The proposed amendment will have no known fiscal implications for state or local units of government (source: Legal and Claims Division).

Public comment is invited and may be submitted in writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning at (512) 454-3761.

The following amendment is proposed under the authority of Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

**§403.366 (302.04.19.006). Procedure for Reporting Incidents of Client Abuse or Neglect.**

(a)-(g) (No change.)

(h) Upon completion of the investigation, the head of the facility shall submit to the commissioner the Client Abuse/Neglect Report, and shall be referred to as Exhibit B **revised April 1981.** Copies may be obtained from the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Capitol Station, Austin, Texas 78711.

Doc. No. 811259

### Subchapter U. Standards of Quality of Services for Residential Facilities for the Mentally Retarded

The Texas Department of Mental Health and Mental Retardation proposes to amend §§405.533-405.535, 405.537, and 405.539 (302.04.29.003, .004, .005, .007, and .009) in its subchapter concerning standards of quality of services for residential facilities for the mentally retarded. The purpose of the proposed amendments is to replace all references to the Joint Commission on Accreditation of Hospitals with references to correct citations to certain federal regulations and to bring the sections up-to-date. References to the Joint Commission on Accreditation of Hospitals are being deleted and are replaced by references to the Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons, which is now responsible for developing standards, developing survey procedures, and making accreditation decisions for residential facilities for the mentally retarded.

The proposed amendment to §405.533 (.003) would delete and replace all references throughout the section to the Joint Commission on Accreditation of Hospitals with references to the Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Persons. The proposal would also amend the section to reflect the fact that the names of the Texas State Department of Public Welfare and the Texas Department of Health Resources have been changed to the Texas State Department of Human Resources and the Texas Department of Health, respectively; and would also amend the section to indicate that the correct citation to the Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions is Section 449.13 of Part 449 of Title 42 of the Code of Federal Regulations.

Proposed amendments to §§403.534, 403.537, and 403.539 (.004, .007, and .009) would replace each reference to the Joint Commission on Accreditation of Hospitals with the Accreditation Council for Mentally Retarded and Other Developmentally Disabled Persons.

The proposed amendment to §403.535 (.005) would change the title of the quality of services coordinator to the quality assurance director. And the proposed amendment to §403.539 (.009) would update the citation to the Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions so that it refers to Section 449.13 of Part 449 of Title 42 of the Code of Federal Regulations.

The proposed amendments will have no known fiscal implications for state or local units of government (source: Legal and Claims Division).

Public comment is invited and may be submitted in writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, or by telephoning (512) 454-3761.

The following amendments are proposed under the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

**§405.533 (302.04.29.003). Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

[Joint Commission on Accreditation of Hospitals (JCAH).

(A) Formed in 1951, is a not-for-profit, nongovernmental corporation sponsored by the following four major hospital and medical organizations which are its member organizations:

- (i) the American College of Physicians,
- (ii) the American College of Surgeons,
- (iii) the American Hospital Association, and
- (iv) the American Medical Association.

(B) Until 1965, the joint commission had established standards and an accreditation program only for general hospitals, but in 1966, 1969, and 1970, the JCAH developed separate standards and accreditation programs for long-term care facilities, facilities for the mentally retarded, and psychiatric facilities. Each of these programs is directed by an accreditation council for the joint commission.]

Accreditation—**The AC/MR-DD Council** [JCAH] has determined that a facility is meeting **AC/MR-DD** [JCAH/

ACFMR] standards on a continuing basis to such an extent as to ensure quality care and treatment of clients.

Accreditation Council for *Services* Facilities] for [the] *Mentally Retarded and Other Developmentally Disabled Persons (AC/MR-DD)* [ACFMR]—The accreditation council [of JCAH] *responsible for* [charged with] developing standards, developing survey procedures, and making accreditation decisions for facilities for the mentally retarded and other developmentally disabled persons.

*AC/MR-DD* [JCAH/ACFMR]—Standards of the *Accreditation Council for Mentally Retarded and Other Developmentally Disabled Persons* [for Residential Facilities for the Mentally Retarded and Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities]. These standards are promulgated by the Accreditation Council for [Facilities for the] *Mentally Retarded and Other Developmentally Disabled Persons* [of the Joint Commission on Accreditation of Hospitals].

Certification by the State Department of *Human Resources (DHR)* [Public Welfare (DPW)]—The Texas Department of Health [Resources] has determined that a facility is meeting Standards for Intermediate Care Services in Facilities for the Mentally Retarded or Persons with Related Conditions (ICF/MR), on a continuing basis, as promulgated by *DHR* [DPW] and approved by the U.S. Department of Health *Services* [Education, and Welfare] to such an extent as to insure quality care and treatment of clients.

ICF/MR—Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions. These standards are codified in Section **449.13** [249.13] of Part **449** [249] of Title **42** [45] of the Code of Federal Regulations.

**§405.534 (302.04.29.004).** *The Department's Intention of Meeting Standards of Quality of Services on a Priority Basis.* It is the intention of this department that all eligible residential facilities for the mentally retarded shall meet the following standards of quality of services on a priority basis as listed.

(1) (No change.)

(2) Standards of the *Accreditation Council* for [Residential Facilities for the] *Mentally Retarded and Other Developmentally Disabled Persons* [Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities], commonly referred to as *AC/MR-DD* [JCAH/ACFMR].

**§405.535 (302.04.29.005).** *Each Residential Facility for the Mentally Retarded Required To Have a Quality Assurance Director* [of Services Coordinator]. Each residential facility for the mentally retarded shall have a quality *assurance director* [of services coordinator] on its staff whose function is to plan, implement, monitor, and evaluate achievement of and adherence to department standards of quality of services adopted by this subchapter.

**§405.537 (302.04.29.007).** *AC/MR-DD* [JCAH/ACFMR] Standards Designated as "Second Priority." *AC/MR-DD* [JCAH/ACFMR] standards are designated as second priority among standards of quality of services to be achieved. While efforts should be made to achieve *AC/MR-DD* [JCAH/ACFMR] accreditation, first emphasis should be on achievement and maintenance of ICF/MR certification. Each residential facility for the mentally retarded will make every effort to:

(1) coordinate compliance with ICF/MR and *AC/MR-DD* [JCAH/ACFMR] standards;

(2) secure *AC/MR-DD* [JCAH/ACFMR] accreditation once ICF/MR certification has been secured and identified ICF/MR deficiencies removed.

**§405.539 (302.04.29.009).** *References.* Reference is made to the following regulations and standards:

(1) Standards for Intermediate Care Facility Services for the Mentally Retarded or Persons with Related Conditions. These standards are codified in Section **499.13** [249.13] of Part **449** [249] of Title **42** [45] of the Code of Federal Regulations.

(2) *Standards* [The following standards] promulgated by the Accreditation Council for *Services* [Facilities] for [the] *Mentally Retarded and Other Developmentally Disabled Persons*. [of the Joint Commission on Accreditation of Hospitals:]

[(A) Standards for Residential Facilities for the Mentally Retarded, 4th Printing, 1974.

[(B) Standards for Community Agencies Serving Persons with Mental Retardation and Other Developmental Disabilities.]

Doc. No. 811260

## Subchapter Y. Rights of Mentally Retarded Clients

The Texas Department of Mental Health and Mental Retardation proposes to amend §405.624 (302.04.34.004) which governs the rights of mentally retarded persons. The proposed amendment would delete the provision found in paragraph (4) which provides that the federal education regulations mandate an appropriate free education to all handicapped persons between the ages of three through 18 by September 1, 1978. The purpose of this revision is simply to update the section.

The proposed amendment will have no known fiscal implications to state or local units of government (source: Legal and Claims Division).

Public comment is invited and may be submitted in writing to John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5547-202, Section 2.11(b), Texas Civil Statutes.

**§405.624 (302.04.34.004).** *Rights of Mentally Retarded Persons.* The following rights are granted to mentally retarded persons in Texas under the Mentally Retarded Persons Act of 1977, Article 5547-300, Vernon's Texas Civil Statutes. They cannot all be provided solely through the efforts of the department, but clients of the department and community centers must be advised of them.

(1)-(3) (No change.)

(4) Right to education. The Education of Handicapped Children regulations, 42 *Federal Register* 42474 (Tuesday, August 23, 1977), 45 Code of Federal Regulations Part 100b, Part 121a and 121m, (herein called education regulations) also mandate an appropriate free education to all handicapped persons [between the ages three through 18 by September 1, 1978, and] between the ages three through 21 by September 1, 1980. Education under these regulations

includes but is not limited to special education, physical education, and vocational education. The federal regulations mandate a hearing before an impartial hearing officer where a parent of a minor, a mentally retarded person who is legally capable of expressing his or her own rights, or a surrogate parent under the education regulation wishes to contest the educational program for an individual under these regulations. Education regulations also provide for an independent educational evaluation. The Mentally Retarded Persons Act of 1977 does not place an age limit on the right to education.

(5)-(12) (No change.)

Issued in Austin, Texas, on February 24, 1981.

Doc. No. 811261      John J. Kavanagh, M.D.  
Commissioner  
Texas Department of Mental Health  
and Mental Retardation

Proposed Date of Adoption: April 3, 1981

For further information, please call (512) 465-4591.





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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part IV. Office of the Secretary of State

##### Chapter 83. Limited Partnership

The Office of the Secretary of State adopts the amendments to §§83.1 (004.40.00.001), 83.2, 83.3, 83.4, and 83.6 and adopts new §83.5. This action was part of a general revision of the rules of the Corporations Division which was necessitated by recent changes to the work-flow processing system utilized by the division. The work-flow processing system recently implemented was designed to and has proven effective in reducing the length of time required to process and file limited partnership and other legal documents. This action serves in part to bring the rules of the division into conformance with current practice and procedure.

The following amendments and new section were adopted under the authority of Articles 4331 and 6132a, Texas Civil Statutes.

**§83.1 (004.40.00.001). Applicable Law.** Certificates of limited partnership will be filed for record in the Office of the Secretary of State in accordance with Section 3, Article 6132a, Texas Civil Statutes. A qualification of a foreign limited partnership will be filed in accordance with Section 32, Article 6132a, Texas Civil Statutes.

**§83.2. Requirements.** In order to enable the secretary of state to determine the applicable filing fee in accordance with Section 3(a)(2) or Section 26(g) of Article 6132a, Texas Civil Statutes, the following rules will apply to the statement of the limited partners contributions in a certificate or amendment of a certificate of limited partnership for a Texas limited partnership.

(1) A contribution must be shown for each limited partner. A nominal contribution may be shown if applicable.

(2) A description of and the agreed value of other property contributed by each limited partner must be stated.

(3) If a limited partner has agreed to make any additional contribution of cash or other property, the amount of cash and description of and the agreed value of such other property must be stated. If the amount of additional contributions is indefinite, the secretary of state may request that the certificate state that an amendment to the certificate will be filed when such contributions are made and the amounts can be ascertained.

**§83.3. Administrative Review.** The secretary of state will file for record a limited partnership certificate, amendment, or cancellation when the name of the partnership can be determined and the appropriate filing fee has been remitted. The secretary of state will not determine substantial compliance with the provisions of the Texas Uniform Limited Partnership Act, Article 6132a, Texas Civil Statutes.

**§83.4. Partnership Agreement May Be Filed.** A partnership agreement may be filed as a certificate of limited partnership if it meets the requirements for filing a certificate of limited partnership.

**§83.5. Foreign Limited Partnerships.**

(a) Foreign limited partnerships filed with the Secretary of State of Texas prior to the passage of Section 32 of the Texas Uniform Limited Partnership Act will remain filed for record without action of the filing party. If the partnership wishes to comply with Section 32 of the Act, the partnership should execute and submit a qualification statement for filing. Documents previously filed with this office may be accepted in lieu of certified copies of the certificate of limited partnership and all amendments from the jurisdiction of formation. Fees paid on all documents filed prior to the submission of the qualification statement will be considered in determining whether an additional filing fee is required. The partnership will not be assigned a new file number.

(b) Limited partnerships formed in foreign countries may qualify to transact business in Texas by following the qualification procedure set forth in Section 32 of the Texas Uniform Limited Partnership Act.

(c) The secretary of state may request the filing party to submit an affidavit or other statement acceptable to the secretary reporting the total contributions of the limited partners if such information is not contained in the certified copy submitted with the qualification statement, or is not readily ascertainable from an inspection of the certified copy.

**§83.6. Fees.**

(a) The filing fee for the certificate of limited partnership is 1/2 of 1.0% of the total contributions of the limited partners. Total contributions include contributions made at the time of filing as well as those contributions which the limited partners have agreed to make in the future. The minimum filing fee for a certificate is \$100; the maximum filing fee for a certificate is \$2,500.

(b) Under Section 26 of the Texas Uniform Limited Partnership Act, the filing fee for an amendment which provides for new, increased, or additional contributions is 1/2 of 1.0% of the new, increased, or additional contributions. A filing fee of not less than \$100 nor more than \$2,500 shall be paid for each amendment filed under Section 26. Filing fees

previously paid on the certificate and earlier amendments are not considered in the calculation.

(c) A new contribution is a contribution shown for a person who is not shown to be a limited partner on the next preceding amendment or certificate on file. A transfer of the interest of a general partner so that it is stated to be the interest of a limited partner is a new, increased, or additional contribution. A substitution of a limited partnership interest is not a new, increased, or additional contribution if there is a statement in the amendment that such substitution occurred.

Doc. No. 811239

The Office of the Secretary of State repeals §§83.2 and 83.8 (004.40.00.002 and .008) entitled Formation and Contributions, respectively. This repeal is part of a general revision of the rules of the Corporations Division which was necessitated by recent changes to the work-flow processing system utilized by the division. The work-flow processing system recently implemented was designed to and has proven effective in reducing the length of time required to process and file limited partnership and other legal documents. The repeal of these sections serves in part to bring the rules of the division into conformance with current practice and procedure.

Notice of the proposed repeal appeared in the January 20, 1981, issue of the *Texas Register* (6 TexReg 232). This repeal is adopted under the authority of Articles 4331 and 6132a, Texas Civil Statutes.

Issued in Austin, Texas, on February 20, 1981.

Doc. No. 811240      H. David Herndon  
Assistant Secretary of State

Effective Date: March 16, 1981

Proposal Publication Date: January 20, 1981

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



## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 511. Certification as CPA

##### CPA Examination

The Texas State Board of Public Accountancy adopts §511.87 (401.45.04.202) to clarify the effect of granting credit to attorneys for the subject commercial law affecting public accounting.

Section 511.73 (.201) allows an examination candidate, who is an attorney duly enrolled by the Supreme Court of Texas, to receive credit for the subject commercial law affecting public accounting without taking the examination therefor. Some confusion has resulted because examination requirements state that in order to be entitled to receive any credits a candidate must pass two or more parts in one sitting to be entitled to receive credit for any part.

Section 511.87 (.202) gives effect to the board policy of construing the "granting of credit" to count as "passing" one part for the purpose of meeting the examination requirement stated above.

This section is promulgated pursuant to Vernon's Annotated Texas Statutes, Article 41a-1.

*§511.87 (401.45.04.202). Effect of Exemption.* An examination candidate meeting the requirements of §511.73 (.201) of this title (relating to Exemption for Attorneys) shall be deemed to have passed one part of the examination for the purpose of meeting the requirement for partial re-examination in §511.81(c) (.701(c)) of this title (relating to Partial Examination) if the examination candidate provides the required notification not later than 30 days prior to the first examination for which the exemption is claimed.

Issued in Austin, Texas, on February, 23, 1981.

Doc. No. 811216      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective Date: March 16, 1981

Proposal Publication Date: November 7, 1980

For further information, please call (512) 451-0241.

##### Certification

The Texas State Board of Public Accountancy adopts §511.165 (401.45.07.500) to give effect to that part of the Public Accountancy Act of 1979 which charges the board with the responsibility of maintaining high standards of competence among licensees practicing public accounting in the State of Texas.

In addition, Vernon's Annotated Texas Statutes, Article 41a-1, Section 21(a) (9), provides the board with authority to revoke a certificate as a certified public accountant for failure to renew an annual license to practice for three years or failure to procure an annual license to practice for three years from receipt of the certificate as a certified public ac-

countant. Section 511.165 (.500) requires the completion of 120 hours of continuing professional education courses for individuals seeking reinstatement of a certificate under the conditions described above.

This section is promulgated pursuant to Vernon's Annotated Texas Statutes, Article 41a-1.

**§511.165 (401.45.07.500). Reinstatement of Certificate.** An individual seeking reinstatement of a certificate as a certified public accountant must, unless otherwise provided by board order, show satisfactory evidence of completion of a minimum of 120 hours of continuing professional education courses within the three years preceding reinstatement. It is the responsibility of the individual seeking reinstatement to determine whether the courses taken conform to the standards for continuing professional education courses as established by the board. The board is not bound to accept hours in courses that do not conform to those standards.

Issued in Austin, Texas, on February, 23, 1981.

Doc. No. 811217      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective Date: March 16, 1981  
Proposal Publication Date: November 18, 1981  
For further information, please call (512) 451-0241.

The Texas State Board of Public Accountancy adopts §511.166 (401.45.07.600) to give effect to that part of the Public Accountancy Act of 1979 which charges the board with the responsibility of maintaining high standards of competence among licensees practicing public accounting in the State of Texas.

In addition, Vernon's Annotated Texas Statutes, Article 41a-1, Section 21(a)(9), provides the board with authority to revoke the registration of an individual practicing public accounting in Texas for failure to renew an annual license granted under Section 10 of the Act for three years or failure to procure an annual license to practice for three years from receipt of the registration.

Section 511.166 (.600) requires the completion of 120 hours of continuing professional education courses for individuals seeking reinstatement of a registration to practice public accounting under the conditions described above.

This section is promulgated pursuant to Vernon's Annotated Texas Statutes, Article 41a-1.

**§511.166 (401.45.07.600). Reinstatement of Registration.** An individual seeking reinstatement of a registration to practice public accounting must, unless otherwise provided by board order, show satisfactory evidence of completion of a minimum of 120 hours of continuing professional education courses within the three years preceding reinstatement. It is the responsibility of the individual seeking reinstatement to determine whether the courses taken conform to the standards for continuing professional education courses as estab-

lished by the board. The board is not bound to accept hours in courses that do not conform to those standards.

Issued in Austin, Texas, on February, 23, 1981.

Doc. No. 811218      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective Date: March 16, 1981  
Proposal Publication Date: January 23, 1981  
For further information, please call (512) 451-0241.

## Chapter 521. Fee Schedule

The Texas State Board of Public Accountancy (the board) amends §521.1 (401.51.00.100) which sets the fee for annual licenses to practice public accounting. The inflationary aspects of today's economy and responsibilities identified in the Public Accountancy Act of 1979 bring rise to this rule amendment requiring additional funding.

The amendment is promulgated pursuant to Vernon's Annotated Texas Statutes, Article 41a-1.

**§521.1 (401.51.00.100). License Fees.** The annual fee for a license issued pursuant to the Act shall be \$30.

Issued in Austin, Texas, on February, 23, 1981.

Doc. No. 811219      Bob E. Bradley  
Executive Director  
Texas State Board of Public  
Accountancy

Effective Date: March 16, 1981  
Proposal Publication Date: November 18, 1981  
For further information, please call (512) 451-0241.

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 403. Other Agencies and the Public

##### Subchapter D. Form, Submission, Consideration, and Disposition of Petitions for the Adoption of Rules by the Commissioner of Mental Health and Mental Retardation

Pursuant to the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation amends §403.102 (302.03.05.002) to read as follows:

**§403.102 (302.03.05.002). Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Rule—Any statement by the commissioner of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the commissioner or the department. The term includes the

amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of the department and not affecting private rights or procedures. The term does not include the internal personnel rules and practices of the department.

Doc. No. 811262

### Subchapter O. Practice and Procedure with Respect to Administrative Hearings of the Department in Contested Cases

Pursuant to the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation amends §403.412 (302.03.19.022) to read as follows:

#### **§403.412 (302.03.19.022). Rules of Evidence; Official Notice.**

(a)-(i) (No change.)

(j) If a party or subpoenaed witness in a contested case is deaf, the department shall provide an interpreter whose qualifications are approved by the State Commission for the Deaf to interpret the proceedings for that person. In this subsection, "deaf person" means a person who has a hearing impairment, whether or not the person also has a speech impairment, that inhibits the person's comprehension of the proceedings or communication with others.

Issued in Austin, Texas, on February 24, 1981.

Doc. No. 811263

John J. Kavanagh, M.D.  
Commissioner  
Texas Department of Mental Health  
and Mental Retardation

Effective Date: March 18, 1981

Proposal Publication Date: October 24, 1980

For further information, please call (512) 465-4591.

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*.

## Governor's Committee on Aging

**Thursday, February 26, 1981, 10 a.m.** The Governor's Committee on Aging made an emergency addition to the agenda of a meeting held at the Senior Citizens Activities Center, 29th and North Lamar, Austin. The addition, which concerned the Foster Grandparent Program, was made on less than seven days' notice because the Budget and Oversight Committee of the Human Services Committee of the Texas House of Representatives requested on February 18, 1981, that the coordinator of aging ask the board to discuss the program.

Information may be obtained from Chris Kyker, 210 Barton Springs, Austin, Texas, (512) 475-2717.

Filed: February 25, 1981, 11:28 a.m.  
Doc. No. 811268

## State Banking Board

**Thursday, March 5, 1981, 2 p.m.** The State Banking Board will meet at 2601 North Lamar, Austin. According to the agenda, the board will conduct a voting session on the following:

Charter Application  
Helotes State Bank, Helotes

Interim Applications  
New Empire Bank, Dallas  
New Fondren Southwest Bank, Houston  
New First State Bank of Mathis, Mathis  
Main Bank, Mansfield

Domicile Change  
Lone Oak State Bank, Lone Oak

The board will also review applications approved but not yet open.

Information may be obtained from O. A. Cassity, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Filed: February 25, 1981, 10:33 a.m.  
Doc. No. 811269

## Texas Department of Corrections

**Monday, March 9, 1981, 8 a.m.** The board of the Texas Department of Corrections will meet at the Stephen F. Austin Hotel, 701 Congress, Austin. According to the agenda summary, the board will consider the following items: matters relating to inmate affairs; personnel; business; agriculture; construction; industries; legal; research, planning, and development; miscellaneous; and the Windham School System.

Information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371, ext. 160.

Filed: February 25, 1981, 12:54 p.m.  
Doc. No. 811283

## Firemen's Training School Advisory Board

**Thursday, April 2, 1981, 10 a.m.** The Fire Protection Training Division of the Firemen's Training School Advisory Board will meet in the office of the director, Texas Engineering Extension Service, Texas A&M University, College Station. According to the agenda summary, the division will review proposed program content for the annual municipal, industrial, and Spanish-speaking fire schools to be conducted at Texas A&M University on July 19-24; July 26-31; and August 3-8, 1981, respectively. (Meeting advisory only—no rulemaking authority.)

Information may be obtained from Henry D. Smith, Texas A&M University System, College Station, Texas 77843, (713) 845-7641.

Filed: February 24, 1981, 3:36 p.m.  
Doc. No. 811256

## Texas Department of Health

The Texas Department of Health will conduct hearings on the following dates, times, and locations:

**Thursday, March 26, 1981, 9 a.m.,** at the Texas Department of Health Auditorium, 1100 West 49th Street, Austin. The department will consider Application 249-A, which is an amendment to Solid Waste Permit 249 of Austin Community Disposal Company, Inc., for a proposed 108.34-acre extension to the north side of the existing Type I municipal solid waste disposal site located 1,000 feet north of U.S. Highway 290 west of Giles Road and 5.1 miles east of the intersection of U.S. Highway 290 and Interstate Highway 35, in Travis County.

**Tuesday, March 31, 1981, 9 a.m.,** council chambers, city hall, Hillsboro. The division will consider Application 1414 of the City of Hillsboro to operate a proposed Type I municipal solid waste disposal site to be located south of Hillsboro, north of IH 35, approximately 0.5 mile east of U.S. 77/81 and west of M.K.T. Railroad in Hill County.

**Tuesday, March 31, 1981, 9 a.m.,** council chambers, city hall, 205 4th Street, Palacios. The department will consider Application 1435 of the City of Palacios to operate a proposed Type I municipal solid waste disposal site to be located adjacent to Buffalo Road in the northwest corner

of Palacios Municipal Airport property in Matagorda County.

Information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: February 24, 1981, 3:36 p.m.  
Doc. No. 811255

## Texas Health Facilities Commission

**Friday, March 6, 1981, 9:30 a.m.** The Texas Health Facilities Commission has rescheduled a meeting to be held in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. At the meeting, which was originally scheduled for February 27, 1981, the commission will consider the following applications:

### Certificate of Need

McAllen Methodist Hospital, McAllen  
AH80-0613-013

Physicians and Surgeons General Hospital, Corpus Christi  
AH80-0829-009

Starr County Memorial Hospital, Rio Grande City  
AH80-1015-010

Easter Seal Society for Crippled Children and Adults of Hidalgo County, McAllen  
AO80-0724-014

Texoma Medical Center, Denison  
AH80-1110-035

Hermann Hospital, Houston  
AH80-0728-030 and AH80-0928-024

### Exemption Certificate

Edinburg General Hospital, Edinburg  
AH81-0105-017

William A. and Elizabeth B. Moncrief Radiation Center, Fort Worth  
AO81-0105-031

Texas Children's Hospital, Houston  
AH81-0107-011

St. Luke's Episcopal/Texas Children's Hospitals, Houston  
AH81-0107-007

Upjohn Health Care Services, Lubbock  
AS81-0108-010

Upjohn Health Care Services, El Paso  
AS81-0108-008

San Antonio Kidney Disease Center, San Antonio  
AS80-1230-006

Harris Hospital-Methodist, Fort Worth  
AH80-1231-040

West Texas Medical Center, Abilene  
AH81-0108-020

Motions for Reconsideration/Rehearing  
Hillside Lodge Nursing Home, Beeville  
AN80-0707-019

The University of Texas Health Science Center at Dallas, Ambulatory Care Teaching Center, Dallas  
AS79-1220-016

The commission will also consider the adoption of new Rule 315.20.04.090 entitled, Discovery; and the adoption of amendments to Rule 315.16.02.245 entitled, Increase in Level of Care, and Rule 315.17.01.100 entitled, Acquisition, Replacement, or Repair of Equipment Not a Modification.

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

Filed: February 25, 1981, 3:54 p.m.  
Doc. No. 811286

**Friday, March 6, 1981, 9:30 a.m.** The Texas Health Facilities Commission has filed additions to the agenda of a meeting to be held in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. The additions concern the following applications:

### Certificate of Need

The Good Shepherd Hospital, Longview  
AH80-0926-025

Hendrick Medical Center, Abilene  
AH80-0924-002

Mansfield Community Hospital, Mansfield  
AH78-1221-001

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

Filed: February 25, 1981, 9:40 a.m.  
Doc. No. 811270

## State Board of Insurance

**Tuesday, March 3, 1981, 2 p.m.** The State Board of Insurance will conduct an emergency meeting in Room 408, 1110 San Jacinto, Austin, to hear the commissioner's report and to meet in executive session to discuss personnel matters. This agenda is given emergency status because these matters have to be acted on at this time.

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

Filed: February 24, 1981, 1:20 p.m.  
Doc. No. 811246

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates, to hear the commissioner's report and to meet in executive session to discuss personnel matters.

**Tuesday, March 10, 1981, 2 p.m.**

**Tuesday, March 17, 1981, 2 p.m.**

**Tuesday, March 24, 1981, 2 p.m.**

**Tuesday, March 31, 1981, 2 p.m.**

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

Filed: February 25, 1981, 10:35 a.m.

Doc. Nos. 811271, 811273, 811275, and 811277

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates, to hear the fire marshal's report.

**Wednesday, March 4, 1981, 2 p.m.**

**Wednesday, March 11, 1981, 2 p.m.**

**Wednesday, March 18, 1981, 2 p.m.**

**Wednesday, March 25, 1981, 2 p.m.**

Information may be obtained Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 25, 1981, 10:35 a.m.  
Doc. Nos. 811247, 811272, 811274, 811276

**Thursday, March 19, 1981, 10 a.m.** The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin. According to the agenda, the board will consider the proposed Personal Lines Statistical Plan (other than automobile) and Personal Lines Minimum Statistical Plan (other than automobile) filed by Insurance Services Office and discuss a petition filed by Transport Life Insurance Company for amendment to Section 6.32 of Board Order 8201 (insider trading rules).

Information may be obtained Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, (512) 475-2950.

Filed: February 26, 1981, 9:50 a.m.  
Doc. No. 811297

## Library Systems Act Advisory Board

**Friday, March 13, 1981, 10 a.m.** The Library Systems Act Advisory Board will meet at the Oak Lawn Branch of the Dallas Public Library, 4100 Cedar Springs, Dallas. According to the agenda, the board will continue the study of the Library Systems Act; review results of survey conducted by the board; and review proposed changes to the rules and regulations for the Library Systems Act related to indirect cost.

Information may be obtained from Dorman H. Winfrey, P.O. Box 1297, Austin, Texas 78711, (512) 475-2166.

Filed: February 26, 1981, 9:50 a.m.  
Doc. No. 811296

## State Board of Morticians

**Monday-Wednesday, March 9-11, 1981, 9 a.m. daily.** The State Board of Morticians will conduct rehearings, informal hearings, and a business meeting at 1513 IH 35 South, Austin, and examinations at 1001 IH 35 South, Austin. On March 9, 1981, the agenda is as follows: rehearings and informal hearings concerning actions on licenses; interviews with applicants for reciprocal licenses and for reinstatement of licenses; request for extension of time to register as an apprentice; rule concerning definition of duties; request to have detached selection room; letter from Charles McKeever concerning licensure; possible exhibit space at TFDA convention; possible revision in law; and update on compliance forms and complaints. On March 10, 1981, the board will conduct written examinations, and on March 11, 1981, it will hold practical exams and meet with John Porterfield and John Flach.

Information may be obtained from John W. Shocklee, 1513 IH 35 South, Austin, Texas 78741, (512) 442-6721.

Filed: February 25, 1981, 4:01 p.m.  
Doc. No. 811287

## Texas Parks and Wildlife Department

**Thursday, March 5, 1981.** The commission of the Texas Parks and Wildlife Department will meet in Building B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin, at the following times:

**9 a.m.** The commission will consider the following items: approval of November 6, 1980, and January 8, 1981, public hearing court report minutes; presentation of service plaques; shell dredging in San Antonio Bay; price of shell; Choke Canyon Reservoir project (Live Oak and McMullen Counties); awarding concession contracts for Lake Livingston State Recreation Area (Polk County), Fairfield Lake State Recreation Area (Freestone County), and Lake Arrowhead State Recreation Area (Wichita County); Park Road Access, Guadalupe River State Park (Kimble and Comal Counties); Medina State Fish Hatchery—property lease; renovation and repair of Palacios Marine Research Station; third petition to adopt rules concerning potentially harmful fish; relocation of powerline easement, San Jacinto Battleground State Historical Park (Harris County); adjustments to fiscal year 1981 operating budget; potential donations, acquisitions, and/or land offers regarding historic sites or state parks; State Park Acquisition Program (El Paso County).

**(In conjunction with the above public hearing, March 5, 1981.)** The commission will consider the following items: proposed changes in 1981-82 Hunting, Fishing, and Trapping Proclamation; Ray Roberts Lake Project—Denton, Cooke, and Grayson Counties; San Jacinto Monument major repair program analysis, San Jacinto Battleground State Historical Park, Harris County; aid to private waters and quality control in private water stocking.

**noon (or at the call of the chairman).** The commission will meet in closed session to discuss potential donations, acquisitions, and/or land offers regarding historic sites or state parks; and settlement of pending litigation matters.

Information may be obtained from Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4954.

Filed: February 25, 1981, 8:51 a.m.  
Doc. Nos. 811264-811266

## Polygraph Examiners Board

**Wednesday-Saturday, April 1-4, 1981, 9 a.m.-4 p.m. daily.** The Polygraph Examiners Board will meet at the Chariot Inn Motor Hotel, 7300 IH 35 North, Austin. According to the agenda, the board will discuss proposed rule changes on polygraph procedure; consider and act upon applications for internship and/or reciprocity licensure; discuss any action needed on submitted Sunset legislation bills; hear any scheduled administrative hearings with any necessary action required; consider any complaints received or in abeyance; interview interns failing last state board examination and their sponsors; and consider any additional polygraph-related business deemed appropriate by the chairman.

Information may be obtained from Ryerson D. Gates, 111 West Laurel, Suite 115, San Antonio, Texas 78212, (512) 227-6100.

Filed: February 19, 1981, 3:56 p.m.  
Doc. No. 811145

## Texas State Board of Public Accountancy

**Thursday and Friday, February 26 and 27, 1981, 8 a.m. daily.** The Texas State Board of Public Accountancy made an emergency addition to the agenda of a meeting held in Suite 500, 3301 Northland Drive, Austin. The addition concerned changing the time Jeffrey Bruce Mayper, CPA, would appear before the board from 10 a.m. to 1 p.m. on February 26, 1981. The agenda was amended because Mayper could not appear at the previously scheduled time.

Information may be obtained from Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: February 25, 1981, 5:06 p.m.  
Doc. No. 811292

## Public Utility Commission of Texas

**Thursday, February 26, 1981, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas held an emergency prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3684—application of Southwest Water Services, Inc., for a rate increase (water). The emergency prehearing conference was necessary because a short discovery schedule was needed to rule on discovery requests in order to meet statutory time deadlines.

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

Filed: February 26, 1981, 8:37 a.m.  
Doc. No. 811293

**Friday, March 6, 1981, 1:30 p.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 3747—application of Fannin County Electric Cooperative, Inc., for a rate increase within a systemwide area (electric).

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

Filed: February 25, 1981, 1:39 p.m.  
Doc. No. 811284

**Monday, March 9, 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 3743—application of Bartlett Electric Cooperative, Inc., for authority to increase rates within Bell, Burleson, Milam, and Williamson Counties.

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

Filed: February 25, 1981, 1:39 p.m.  
Doc. No. 811285

**Friday, March 20, 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 3661—application of Coe Utilities, Inc., to increase rates of recently purchased subdivision (water).

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

Filed: February 25, 1981, 10:34 a.m.  
Doc. No. 811279

**Wednesday, April 22, 1981, 10 a.m.** The Hearing Division of the Public Utility Commission of Texas will conduct a hearing on the merits of Docket 3696 in Suite 450N, 7800 Shoal Creek Boulevard, Austin, concerning an application of Buena Vista Water System for a rate increase within Burnet County.

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

Filed: February 25, 1981, 10:33 a.m.  
Doc. No. 811280

## Tax Assessor Examiners Board

**Wednesday, March 11, 1981, 10 a.m.** The Tax Assessor Examiners Board will meet at 9501 North IH 35, Austin. According to the agenda summary, the board will consider the following items: minutes; financial report; examination fees; RPA designations; guidelines to upgrade examinations; director's reports—1982-83 budgetary process and method of approving RPA's; proposed amendments to Registration and Certification Act. Following the regular meeting, the board will reconvene in executive session.

Information may be obtained from Ben H. Tow, 9501 North IH 35, Austin, Texas, (512) 837-9800 or 1/800-252-9304.

Filed: February 24, 1981, 2:41 p.m.  
Doc. No. 811252

## Teacher Retirement System of Texas

**Friday, March 13, 1981, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. Items on the agenda summary include the following: approval of minutes; review of investments for quarter ending February 18, 1981—Mr. Manning; review of discussions and recommendations at IAC meeting—Mr. Achziger; review of actuarial evaluation for year ending August 31, 1980—Mr. Carter; proposed legislation—Mr. Hineman; feasibility study of TRS property; approval of amendments to budget for emergency salary increases—Mr. Fickel; proposed rule amendment relating to trustee election procedures—Mr. Baker; report of general counsel—Mr. Baker; report of Member Benefits Division—Mr. Douglas; executive session to discuss personnel and property.

Information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas, (512) 477-9711, ext. 203.

Filed: February 26, 1981, 9:47 a.m.  
Doc. No. 811295



## Texas Southern University

**Thursday, March 5, 1981, 8:30 a.m.** The Building and Grounds Committee of the Board of Regents of Texas Southern University is rescheduling a meeting to be held in the Coordinating Board Building, 200 East Riverside, Austin, for the approval of contracts for payment, acquisition of real estate, and the awarding of contracts. The meeting was originally scheduled for March 4, 1981, 2 p.m.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: February 24, 1981, 2:15 p.m.  
Doc. No. 811250

**Thursday, March 5, 1981, 8:30 a.m.** The Faculty and Curriculum Committee of the Board of Regents of Texas Southern University is rescheduling a meeting to be held in the Coordinating Board Building, 200 East Riverside, Austin, to receive enrollment and curricula data from the administration. The meeting was originally scheduled for March 4, 1981, at 11 a.m.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: February 24, 1981, 2:14 p.m.  
Doc. No. 811249

**Thursday, March 5, 1981, 8:30 a.m.** The Finance Committee of the Board of Regents of Texas Southern University is rescheduling a meeting to be held in the Coordinating Board Building, 200 East Riverside, Austin, to consider monthly financial reports from the administration. The meeting was originally scheduled for March 4, 1981, at 9:30 a.m.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: February 24, 1981, 2:14 p.m.  
Doc. No. 811248

**Thursday, March 5, 1981, 11 a.m.** The Texas Southern University Board of Regents is rescheduling a meeting to be held in the Coordinating Board Building, 200 East Riverside, Austin, for consideration of fiscal and curriculum reports from the administration, and approval of short-term investments as recommended by the Finance Committee. The meeting was originally scheduled for March 5, 1981, at 10 a.m.

Information may be obtained from Everett O. Bell, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: February 24, 1981, 2:15 p.m.  
Doc. No. 811251

## Texas Water Commission

**Tuesday, March 17, 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, on petition for organization of Chambers County Municipal Utility District 1 containing 436.3104 acres.

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

Filed: February 25, 1981, 11:33 a.m.  
Doc. No. 811278

**Monday, March 23, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin, on petition for Travis County Water Control and Improvement District 15 for waste disposal powers. This notice was originally submitted February 18, 1981.

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

Filed: February 25, 1981, 4:02 p.m.  
Doc. No. 811288

**Wednesday, March 25, 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, on petition for organization of Harris County Municipal Utility District 208, containing 328.091 acres.

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

Filed: February 24, 1981, 3:22 p.m.  
Doc. No. 811254

## Regional Agencies

### Meetings Filed February 24, 1981

**The Coryell County Appraisal Board** will meet in the county courtroom, Coryell County, on March 3, 1981, at 7 p.m. Information may be obtained from Jerry (Nub) Donaldson, 500 Littlefield Building, Austin, Texas 78701, (512) 479-0300.

Doc. No. 811253

### Meetings Filed February 25, 1981

**The Bexar-Medina-Atascosa Counties Water Control Improvement District 1**, Board of Directors, met in the district office, Natalia, on March 2, 1981, at 8 a.m. Information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, (512) 663-2132.

**The Brazos River Authority** will meet in the meeting room of the Sunbelt Savings Building, 702 West Pearl, Granbury, on March 5, 1981, at 2 p.m. Information may be obtained from Tom Ray, P.O. Box 7555, 4400 Cobbs Drive, Waco, Texas 76710, (817) 776-1441.

**The Child Study Clinic in Victoria** held an emergency meeting at 2008 North Navarro, Victoria, on February 26, 1981, at noon. Information may be obtained from Eva Seger, M.D., 2008 North Navarro, Victoria, Texas 77901, (512) 575-0681.

**The Edwards Underground Water District**, Board of Directors, will meet in the meeting room of the Tower Life Building, San Antonio, on March 10, 1981, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas, (512) 222-2204.

**The Red River Authority of Texas**, 208 Advisory Committee, will meet at the Underwoods Restaurant, Southmoor Center, Wichita, on March 3, 1981, at noon, and in Room 102, Clarendon Junior College, Clarendon, on March 6, 1981, at noon. Information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-0697.

**The Region XI CETA Consortium**, McLennan County Nonurban Administrative Unit, met in the Heart of Texas Council of Governments meeting room, 320 Franklin Avenue, Waco, on March 2, 1981, at 6:30 p.m. Information may be obtained from Catherine Terrell, 310 Franklin, Waco, Texas 76701, (817) 756-1851.

Doc. No. 811281

## Meetings Filed February 26, 1981

**The Ark-Tex Council of Governments**, Executive Committee, will meet at the Royalty Inn, Linden, on March 5, 1981, at 5:30 p.m. The Board of Directors will meet at the Cass County Courthouse on the same day at 7:30 p.m. Information may be obtained from Vivienne Arvin, P.O. Box 5307, Texarkana, Texas 75501, (214) 794-3481.

**The Edwards Underground Water District**, Board of Directors, will meet in the meeting room of the Tower Life Building, San Antonio, on March 10, 1981, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas, (512) 222-2204.

**The Leon County Central Appraisal District**, Board of Directors, will meet in the county courtroom, Centerville, on March 5, 1981, at 7 p.m. Information may be obtained from Mabel Watson, Leon County Central Appraisal Office, Centerville, Texas, (214) 536-2911.

**The Tyler County Tax Appraisal District Board** will meet at 1004 West Bluff, Woodville, on March 3, 1981, at 7:30 p.m. Information may be obtained from Leslie J. Silva, P.O. Drawer 9, Woodville, Texas, (713) 283-3736.

Doc. No. 811298

## 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 February 16-20, 1981.

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, 6330 Highway 290 East, Austin, Texas 78723.

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.

#### Week Ending February 20, 1981

H. B. Zachary Co., Georgetown; rock crusher; Georgetown Quarry; 2627A and 2738A; new source

Radcliff Materials Inc., Houston; cement pug mill; 922 Mayo Shell Road; 5023B; new source

Liquid Energy Corp., Plum; natural gasoline plant—cryogenic; Taylor Plant; 8554A; modification

HTC Industries, Inc., San Angelo; inedible rendering—animal by-products; 1812 North Bell Street; 8710; new source

Tenneco Oil Co., Morgans Point; deethanizer; end of North Broadway; 8711; new source

Dalhart Enterprises, Inc., Dalhart; inedible rendering cookers; 1900 Chicago; 8712; new source

Issued in Austin, Texas, on February 23, 1981.

Doc. No. 811257 Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: February 24, 1981, 3:34 p.m.  
For further information, please call (512) 451-5711, ext. 354.

## Deep East Texas Council of Governments

### Consultant Proposal Request

**Notice of Intent.** Under the provision of Article 6252-11c of Texas Civil Statutes, the Deep East Texas Council of Governments (DETCOG) gives notice of its intent to request proposals to conduct an audit of the programs administered by DETCOG extending for the period of October 1, 1980, through September 30, 1981.

**Deadline and Address for Proposal Submission.** Qualified, independent, certified public accounting organizations who are interested in performing this service, should

submit a written request prior to 5 p.m. Friday, March 20, 1981. Such correspondence should be addressed to Richard K. Thomas, director of finance, Deep East Texas Council of Governments, P.O. Drawer 1170, Jasper, Texas 75951.

**Selection Criteria.** Proposals will be judged by the following criteria:

- (1) Contractor's ability to demonstrate.
- (2) Contractor's previous work and experience relative to this type of project. Each proposal should include a detailed budget/analysis or fee estimate in relation to man hours and cost attributable to those man hours.
- (3) Timeliness of work to be provided.

**Selection Procedure.** Following a review and recommendation for selection to the Board of Directors, a contract will be negotiated and executed to conduct the audit.

Issued in Jasper, Texas, on February 19, 1981.

Doc. No. 811245 Richard K. Thomas  
Director of Finance  
Deep East Texas Council of  
Governments

Filed: February 24, 1981, 10:45 a.m.  
For further information, please call (713) 384-5704.

## 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 of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of February 23, 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.

Live Oaks Convalescent Center, Clarksville  
(02/23/81)

AN79-1015-027A (021381)

AMD/CN—Request to extend the completion deadline and increase the cost of the project, as well as change the patient bedroom configuration from that authorized in Certificate of Need AN79-1015-027 (the certificate authorized the construction of an addition containing 32 ICF-III beds and dining and recreation facilities and a whirlpool room)

Bethania Hospital, Wichita Falls (02/23/81)  
AH78-0209-001A (020481)

AMD/CN—Request to amend the project cost and the completion deadline in Certificate of Need AH78-0209-001 (the certificate authorized remodeling and construction at the hospital)

Prudential Health Care Plan, Inc., Houston  
(02/23/81)

AO81-0219-015

DR—Request for a declaratory ruling that neither a certificate of need nor an exemption certificate is required for the applicant health maintenance organization to construct a building to be operated as a medical clinic (said clinic to be leased to, staffed, and operated by members of MacGregor Medical Clinic Association which provides medical care to PruCare members on a contract basis)

South Texas Rural Health Services, Inc., Cotulla  
(02/23/81)

AO80-0124-028A (021881)

AMD/CN—Request to extend the completion deadline in Certificate of Need AO81-0124-028, which authorized establishment and operation of an RHI outpatient clinic in each of the Cities of Cotulla, Pearsall, and Asherton

Issued in Austin, Texas, on February 25, 1981.

Doc. No. 811267 Linda E. Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: February 25, 1981, 9:41 a.m.

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

## 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 1-800-252-9693 for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

## Texas Department of Public Safety

### Correction of Error

Adopted §§17.2, 17.16, and 17.29 (201.00.00.029, .043, and .056) submitted by the Texas Department of Public Safety and published in the February 24, 1981, issue of the *Texas Register* (6 TexReg 727) contained an error in the preamble of the notice of adoption. The *Texas Register* citation of the proposal should read: "...as proposed in the January 9, 1981, issue of the *Texas Register* (6 TexReg 30)."

## Texas Water Commission

### Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of February 16-20, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

### Week Ending February 20, 1981

U.S. Department of Agriculture, Grassland Research Laboratory, Temple; domestic sewage facility; west of the intersection of State Highway 95 with U.S. State Highway 190 in Bell County; 12315; new permit

City of Danbury; waste water treatment plant; between 7th and 8th Streets on Avenue L in Brazoria County; 10158-01; amendment

Western Litho Plate and Supply Co., Jacksonville; Jacksonville Plant; adjacent to and on the east side of U.D. Highway 69, north, in the City of Jacksonville in Cherokee County; 02165; renewal

Dallas Power and Light Co. (Lake Ray Hubbard), Dallas; cooling water plant, on the west shore of Lake Ray Hubbard in Dallas County; 01245; renewal

Uranium Resources, Inc., Richardson; in-situ uranium mining project; northwest of Hebbbronville in Duval County; 02471; new permit

Uranium Resources, Inc., Richardson; in-situ uranium mining project; northeast of State Highway 359 in Duval County; 02470; new permit

Port of Authority of Harris County, Houston; domestic sewage facility; 8405 Clinton Drive in Harris County; 11676-01; renewal

NL Industries, Inc., NL/Atlas Bradford Division, Houston; steel pipe threader plant; 7707 Wallisville Road in Harris County; 01970; renewal

Texaco Inc. (Galona Park Terminal), Houston; storm water run-off facility; Clinton Road in Harris County; 00413; renewal

C. E. Vetco Services, Inc., Houston; waste water treatment facility; north of IH 10 in Harris County; 12355; new permit

PCB, Inc., Katy; waste water treatment plant; on the northwest corner of the property in Harris County; 12361; new permit

Albert B. Lum (Longhorn Town Plant), Houston; domestic sewage facility; southeast corner of Longhorn Utility District in Harris County; 12356; new permit

Texas Pipe Threaders, Houston; waste water treatment facility; 4511 Brittmore Road in Harris County; 12354; new permit

San Patricio Municipal Water District, Ingleside; water treating plant; northwest of the City of Ingleside in San Patricio County; 11748; renewal

Covered Bridge, Ltd., Austin; domestic sewage facility; on the south side of State Highway 71 in Travis County; 11434-01; renewal

Art Carved Class Rings, Inc., Austin; jewelry manufacturing plant; 7500 South IH 35 in Travis County; 01258; renewal

Tenneco Uranium, Inc., Houston; West Cole in-situ uranium project; north of Bruni in Webb County; WDW-195; new permit

City of Hutto, oxidation pond facility; south of State Highway 79 in Williamson County; 11324-01; amendment

Eagle-Picher Industries, Inc., Mineola; micronutrient processing plant; U.S. Highway 80 in Wood County; 02428; new permit

Mobile Chemical Co., Beaumont; storm water run-off facility; 1700 Doucette Street in Jefferson County; 02003; renewal

Great Lakes Carbon Corp., Port Arthur; petroleum coke plant; east side of Taylor Bayou in Jefferson County; 01994; renewal

Rayburn Village Utility Co., Sam Rayburn; domestic sewage facility; along the southeastern shore of Sam Rayburn Reservoir in Jasper County; 10788-01; renewal

Motivation Education and Training, Inc., Goodrich; domestic sewage facility; one mile west of the town of Goodrich in Polk County; 11288-01; renewal

Sportsman's World Municipal Utility District, Mineral Wells; osmosis water treatment plant; 1300 feet east-southeast of Sportman's World Marina in Palo Pinto County; 02461; new permit

Issued in Austin, Texas, on February 20, 1981.

Doc. No. 811238      Mary Ann Hefner  
                                 Chief Clerk  
                                 Texas Water Commission

Filed: February 23, 1981, 3:09 p.m.

For further information, please call (512) 475-1311.

## 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*.

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### TITLE 22. EXAMINING BOARDS

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### TITLE 25. HEALTH SERVICES

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