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TEXAS REGISTER

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TEXAS DOCUMENTS

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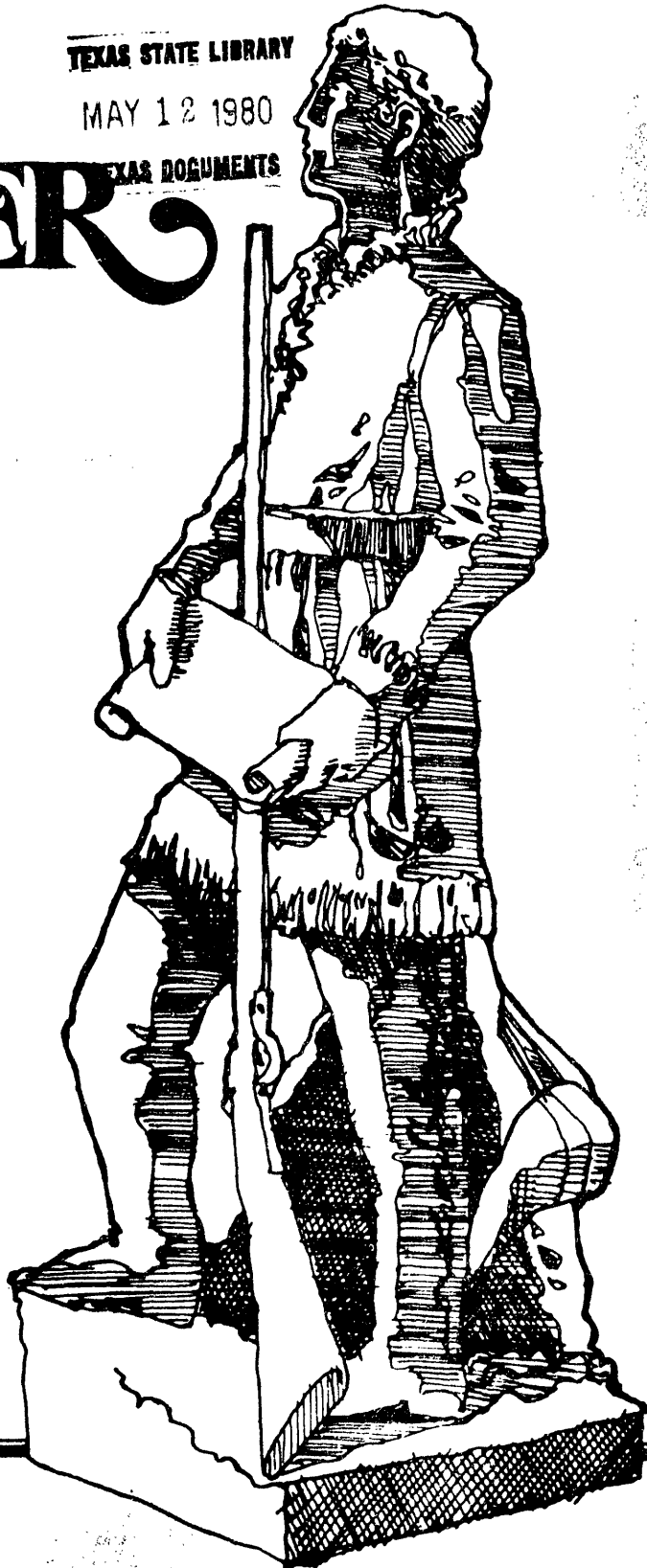
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Office of the Secretary of State

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, 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. 1, Oct. 79

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

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except January 4, May 30, September 5, December 2, and December 30, 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.



George W. Strake, Jr.
Secretary of State

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

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

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 "Non-codified."

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

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 139. Exemptions by Rule or Order

The State Securities Board proposes to add a new section to Chapter 139 concerning exempt sales of securities under Section 5.T of the Securities Act. The new §139.3 (065.20.00.003) exempts from the registration provisions of the Act the sale of securities of those issuers whose performance and financial stability is of such quality that registration is not considered necessary for the protection of the investor.

Sales of securities pursuant to this new section must be made by the issuer or by registered securities dealers. The exemption is addressed to transactions involving a primary distribution of securities and does not speak to secondary trading activities in those securities.

The proposed section is designed to identify certain characteristics which are deemed to be valid indicators of financial stability and to provide an exemption from registration for the securities of issuers who exhibit those characteristics and meet prescribed conditions.

Section 6.F of the Securities Act provides an exemption from the registration provisions of the Act for securities listed on specified national securities exchanges. This proposal reflects the view of the State Securities Board that securities of issuers traded in the over-the-counter market may be of equal or higher quality than those securities listed on the various exchanges and that the sale of such quality securities could be exempted from the registration requirements of the Act without lessening the degree of protection provided to the investing public.

This new section will exempt certain transactions which were formerly required to be registered with the board, and, therefore, it will result in a net reduction of fees collected by the Securities Board. Based on the fees collected from registration applications processed in 1978 and 1979 for companies which would be exempt under this proposed section, the staff of the board estimates the fiscal implications of this amendment over the next five years to be as follows:

Fiscal Year	Decrease to General Revenue Fund
1980 (remaining)	\$25,040
1981	\$75,125
1982	\$82,634
1983	\$90,000
1984	\$98,500

Similar reductions in revenue may be expected to continue so long as this section remains in effect.

Public comment on this proposal is invited, and written comments may be mailed to Sue Roberts, State Securities Board, P.O. Box 13167, Austin, Texas 78711, before June 4, 1980.

This section is proposed pursuant to the authority of Sections 5.T and 28-1, Article 581, Vernon's Annotated Texas Statutes.

§139.3 (065.20.00.003). *Blue Chip Exemption*. The sale of any security by the issuer itself or by a registered dealer is exempt from the registration requirements of the Securities Act if all of the following conditions are met:

(1) If the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process and has set forth the name and address of such agent in its prospectus.

(2) A class of the issuer's securities is required to be and is registered under Section 12 of the Securities Exchange Act of 1934, and has been so registered for the three years immediately preceding the offering date.

(3) Neither the issuer nor a subsidiary, which accounts for more than 15% of assets or revenues on a consolidated basis, has had a default that exceeded 5.0% of total assets on a consolidated basis during the last seven years (or the issuer's existence if less than seven years) in the payment of:

(A) principal, interest, dividend, or sinking fund installment on preferred stock or indebtedness for borrowed money, or

(B) rentals under leases with terms of three years or more.

(4) The issuer has had consolidated net income after taxes (but before extraordinary items and the cumulative effect of accounting changes) of at least \$1,000,000 in each of four of its last five fiscal years including its last fiscal year and if the offering is of interest-bearing securities, has had for its last fiscal year such net income, but before deduction for income taxes and depreciation, of at least one and one-half times the issuer's annual interest expense, giving effect to the proposed offering and the intended use of the proceeds. "Last fiscal year" means the most recent year for which audited financial statements are available, provided that such statements cover a fiscal period ended not more than 12 months from the commencement of the offering.

(5) If the offering is of stock or shares, other than preferred stock or shares, such securities have voting rights and such rights include:

(A) the right to have at least as many votes per share, and

(B) the right to vote on at least as many general corporate decisions, as each of the issuer's outstanding classes of stock or shares, except as otherwise required by law.

(6) If the offering is of stock or shares, other than preferred stock or shares, such securities are owned beneficially or of record, on any date within six months prior to the commencement of the offering, by at least 1,200 persons, and on such date there are at least 750,000 such shares outstanding with an aggregate market value, based on the average bid price for that day, of at least \$3,750,000. In connection with the determination of the shares of an issuer, the issuer or broker-dealer may rely in good faith for the purposes of this section upon written information furnished by the record owners.

(7) Any security issued or guaranteed as to both principal and interest by an international bank of which the United States is a member is so exempted without regard to the conditions in this section.

(8) If the offering is of interest-bearing securities of a finance company with liquid assets of at least 105% of its liabilities (other than deferred income taxes, deferred investment tax credits, capital stock, and retained earnings) at the end of its last five fiscal years, the applicable net income requirements of paragraph (4), but before deduction for interest expense, shall be one and one-quarter times the issuer's annual interest expense. "Finance company" means a company engaged primarily in the business of wholesale, retail, installment, mortgage, commercial, industrial, and consumer financing, banking, or factoring. "Liquid assets" means cash receivables payable on demand or not more than twelve years following the close of the company's last fiscal year, and readily marketable securities, in each case less applicable reserves and unearned income.

(9) The issuer is not in bankruptcy.

(10) The issuer has net tangible assets of at least \$1,000,000 on its most recent audited balance sheet.

Issued in Austin, Texas, on May 2, 1980.

Doc. No. 803357 Richard D. Latham
Securities Commissioner
State Securities Board

Proposed Date of Adoption: June 9, 1980

For further information, please call (512) 474-2233.

TITLE 34. PUBLIC FINANCE

Part VII. State Property Tax Board

Chapter 163. Reporting Procedures

The State Property Tax Board proposes the following sections for the administration of the state ad valorem tax. The need for such a section arises out of the .0001% assessment ratio in Section 26.03 of the Property Tax Code, and the guidelines for the section are set forth in Attorney General Opinion MW-147.

The proposed section has no fiscal implications for the state and saves county government approximately \$1,000,000 per year by simplifying the administration of the state ad valorem tax.

Public comment on the proposed section is invited. Persons should submit their comments in writing within 30 days of publication in the *Texas Register* to Walter Earl Lillie, general counsel, State Property Tax Board, P.O. Box 15900, Austin, Texas 78761.

This rule is proposed under the authority of the State Property Tax Code 5.03.

§163.1 (237.06.00.001) Definitions. As used in these sections, the words and terms defined in this section shall have the meanings set forth below:

(1) "Quarter or quarterly" commences July 1, 1980, and will consist of July through September, October through December, January through March, and April through June.

(2) "Parcel" means a unit of property that is a separately listed and valued item on the tax role.

§163.2 (237.06.00.002) Reporting Current State Ad Valorem Tax for 1980 and all Succeeding Years.

(a) For 1980 and all succeeding tax years, the county tax assessor shall assess and collect all current state ad valorem taxes for the State of Texas. The county tax assessor shall report annually on or before October 1 of the tax year, under oath, on forms prescribed by the State Property Tax Board, the current state ad valorem tax to be collected. The county tax assessor shall calculate and report the state ad valorem tax using either of the following methods:

(1) The county tax assessor shall report the total market value of the county and shall then calculate the amount of current state ad valorem tax owed by applying the .0001% assessment ratio and the tax rate of \$.10 per \$100 of assessed value to arrive at state tax due; or

(2) The county tax assessor shall report those parcels whose market values equal or exceed \$10 million. The county tax assessor shall list the total market value of each parcel and then calculate the amount of current state ad valorem tax due by applying the assessment ratio of .0001% and the tax rate of \$.10 per \$100 of assessed value to arrive at state tax due.

(b) The county tax collector may defer collecting the state ad valorem tax on a parcel until such time as the ad valorem tax due the state as calculated under either of the above methods is \$5.00 or more. Where the uncollected state ad valorem tax is under \$5.00, the county is authorized to advance and to pay over to the state treasurer, at the same time as filing the annual report with the State Property Tax Board, the state ad valorem tax as yet uncollected. Such advance payment shall be applied against state tax payable when collected.

§163.3 (237.06.00.003) Reporting Delinquent State Ad Valorem Tax for 1979 and all Prior Tax Years. For 1979 and all prior tax years, the county tax assessor shall collect all delinquent state ad valorem taxes for the State of Texas. The county tax assessor shall report quarterly, under oath, on forms prescribed by the State Property Tax Board, the delinquent state ad valorem tax collected for 1979 and all prior tax years. On the same day as the county tax assessor makes his quarterly report, the county tax assessor shall pay over to the state treasurer those taxes owed the State from the state ad

valorem taxes collected during the quarter. Reports and payments are due on or before the 30th day following the end of a quarter.

Issued in Austin, Texas, on May 1, 1980.

Doc. No. 803343 Walter E. Lillie
 General Counsel
 State Property Tax Board

Proposed Date of Adoption: June 9, 1980

For further information, please call (512) 837-8622.



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Council

(Editor's note: Proposals by the Texas Youth Council, including new sections, as well as amendments and repeals of existing sections, are being published serially beginning in the May 2 issue. The chapters, subchapters, and sections affected by the proposal are listed at 5 TexReg 1639. All sections included in each issue which are proposed for repeal will appear at the beginning of the applicable chapter. The proposed date of adoption for all the proposals being serialized is June 2, 1980. The third installment of the proposals appears in this issue and includes the chapter on appeals to the executive director and the chapter on practice and procedure.)

The Texas Youth Council is proposing the following amendments to Chapters 83 and 85. The agency is in the process of a major restructuring and updating of its rules.

These proposed amendments will not create additional costs to the state or units of local government.

Written questions or comments are invited and may be sent to Ron Allen, executive assistant, Texas Youth Council, P.O. Box 9999, Austin, Texas 78766, telephone (512) 452-8111, within 30 days from May 2, 1980.

Chapter 83. Appeals to the Executive Director

Contents of Appeal

The following amendment is proposed to allow for consistency in the agency's appeal process.

Section 83.21 (203.02.03.001) is proposed for amendment under the authority of Chapter 61, Human Resource Code.

§83.21 (203.02.03.001). *Guidelines for Appeal Content. Staff members making a decision which is subsequently appealed by a student (or by staff contacted by the student to assist with his appeal) will submit the following information and documentation to the executive director to assist in his consideration of the appeal. This documentation shall be submitted within two days of the staff member's receiving notice of the appeal. If more time is required, the assistant executive director for child care must be advised by phone of the delay. The information submitted shall include at least the following.*

(1) *Identifying information and prior TYC history. The student's full name and TYC number; a brief statement including the date of the student's commitment, dates of subsequent placements, transfers, or revocations.*

(2) *Reasons for appeal. A statement of the student's contentions and the requested relief.*

(3) *Decision makers. Indicate the names of committee members or persons making the decision being appealed; the date the decision was made; and the type of proceeding which was conducted (e.g., revocation hearing, classification hearing, disciplinary hearing, fact-finding hearing).*

(4) *Evidence relied upon. If the student is appealing the decision because of factual contest, include a statement of evidence relied upon by the fact finder in deciding that the incident occurred or that the situation existed; include the reasons for the factual conclusion.*

(5) *Assessment findings and conclusions. Indicate the reasons for the decision and the factors taken into consideration in making the decision. If psychological or psychiatric studies were completed as a part of this assessment and were important in the decision, include copies of them.*

(6) *Other information and comments. Summarize other information which may be pertinent to the complete understanding of the appeal and the surrounding circumstances. If the appeal raises issues of TYC policy and procedure which are absent or unclear, include an analysis of the problem and a proposed remedy.*

(a) Appeals to the executive director shall be in writing and should contain:

- (1) full name of the child;
- (2) name and address of the child's representative;
- (3) statement of facts which should include the following:

- (A) name of respondent,
- (B) date of decision being appealed,
- (C) substance of decision being appealed,
- (D) other information of record relating to the child or to the decision being appealed which the child or his representative considers pertinent;

(4) reasons for the appeal which should indicate at least one of the following:

(A) that there is no substantial evidence to support a finding.

(B) that there was error prejudicial to substantial rights of the child,

(C) that the decision being appealed is contrary to law or Texas Youth Council policy,

(D) that implementation of the decision being appealed is or would be detrimental to the health or welfare of the child;

[(5) requested relief or remedy;

[(6) any other matter which the child or his representative desires to submit.

[(b) A request for relief from an administrative decision shall not be rejected by the executive director on the basis that the appeal did not adhere strictly to the guidelines of this section.]

Doc. No. 803052

Notice of Appeal to Respondent and Interested Persons

The following proposed amendment more accurately states the communications involved in the notification to the respondent or interested persons involved in an appeal. The amendment also defines the terms "respondent" and "interested persons."

Section 83.31 (203.02.04.001) is proposed for amendment under the authority of Chapter 61, Human Resource Code.

§83.31 (203.02.04.001). Distribution. Within two days of submission of the appeal, **notice** [copies] of the appeal shall be **given** [distributed] to the respondent and interested persons. It is the executive director's responsibility to see that such **notice is given** [distribution is made], and an appeal shall not be rejected by the executive director on the basis that the respondent or interested persons did not receive notice of the appeal. *The term "respondent" means the person who made a decision being appealed to the executive director or the chairman of the committee or panel which made a decision being appealed to the executive director. The term "interested person" means the general counsel of the Texas Youth Council or any other person specifically designated by the executive director.*

Doc. No. 803053

Time of Decision on the Appeal by the Executive Director

The following amendment is proposed regarding the time involved for the executive director to make a decision on an appeal. The required time for decision is changed from 10 days to 25 days. Actual practice has shown additional time is needed in most appeals for gathering more facts on which the executive director should base his decision. The extension to 25 days precludes the need for a discretionary 15-day extension on his part.

Section 83.41 (203.02.05.001) is proposed for amendment under the authority of Chapter 61, Human Resources Code.

§83.41 (203.02.05.001). Time of Decision, Delays, Notification.

(a) Within 25 [10] days of submission of the appeal, the executive director shall make his decision on the appeal. [However, a decision on the appeal by the executive director may be delayed beyond the 10 day period for a period not to exceed 15 days if the executive director determines the delay is necessary to allow additional time for:

- [(1) submission of a written response to the appeal by the responding party or interested persons;
- [(2) production and distribution of a transcript;
- [(3) oral argument on the appeal;

[(4) evaluation by the executive director;

[(5) further review by the executive director.]

(b) In the event the executive director determines a delay of his decision beyond the 25 [10]-day period is necessary, he shall notify the child's representative of the reason for the delay and of the expected date of his decision.

Doc. No. 803054

Written Statement of Respondent and Interested Persons

The following amendment is proposed regarding written responses pertaining to appeals to the executive director. Currently, oral argument shall be before the Executive Committee. The proposed amendment renames the committee and has it consist of individuals more appropriately involved in the resolution of appeals. (See §§83.81-83.85 (203.02.09.001-.005) being proposed for amendment at this time.)

Section 83.51 (203.02.06.001) is proposed for amendment under the authority of Chapter 61, Human Resource Code.

§83.51 (203.02.06.001). Written Responses. The respondent and interested persons may submit to the executive director a written response to the appeal including such documents of record as are relevant and material to the contentions raised on appeal. Copies of all written responses to the appeal shall be delivered to the child's representative prior to a decision on the appeal by the executive director and prior to oral argument before the **Appeals** [Executive] Committee.

Doc. No. 803055

Duplicate Tape Recording of Proceeding

The following amendment is proposed regarding duplicate tape recordings of recorded proceedings related to an appeal. The revision is administrative in nature and simply identifies the assistant executive director for child care as the source of such tape recordings instead of the executive director. The revision will expedite the provision of such recordings.

Section 83.61 (203.02.07.001) is proposed for amendment under the authority of Chapter 61, Human Resource Code.

§83.61 (203.02.07.001). Request for Duplicate Tape Recording. In the event the decision being appealed followed a proceeding which was tape recorded, the child's representative may request **from** [of] the **assistant** [deputy] executive director **for child care** a duplicate tape recording of that proceeding. Should such a request be made, the Texas Youth Council shall provide the duplicate tape recording to the child's representative at no cost to him or to the child.

Doc. No. 803056

Evaluation by the Appeals Committee

The following amendment is proposed regarding the committee which may be involved in executive director's decision on an appeal to him. The committee will be renamed the Appeals Committee. Its membership shall be revised to have as chairman the assistant executive director of child care in lieu of the deputy executive director, the administrator of the

Hearings Section as a permanent member, and the respective director from which the appeal originated, institutional or a community program.

Sections 83.81-83.85 (203.02.09.001-.005) are proposed for amendment under the authority of Chapter 61, Human Resource Code.

§83.81 (203.02.09.001). Referral to Appeals [Executive] Committee. The executive director may refer an appeal and written responses to the **Appeals [Executive] Committee**. The **Appeals [Executive] Committee** shall then evaluate the merits of contentions on appeal and shall advise the executive director of the results of its evaluation.

§83.82 (203.02.09.002). Membership.

(a) The members of the **Appeals [Executive] Committee** shall be the **assistant [deputy] executive director for child care, the administrator of Hearings Section, and the director of community services or [, and] the director of institutional services according to the program from which the appeal originated.**

(b) The **assistant [deputy] executive director for child care** shall be chairman of the **Appeals [Executive] Committee**. In the absence of the **assistant [deputy] executive director for child care**, one of the two remaining members shall be chairman.

(c) The **Appeals [Executive] Committee** shall not meet to consider an appeal unless all three members are present. However, should one member be unavoidably absent, the executive director may appoint a person to serve in that member's place; otherwise the chairman shall postpone the committee's consideration of the appeal until that member can be present.

(d) In the event a member of the **Appeals [Executive] Committee** is a respondent or an interested person in an appeal, the executive director shall not refer the appeal to the **Appeals [Executive] Committee unless he directs that member be replaced.**

§83.83 (203.02.09.003). Time of Meeting. The **Appeals [Executive] Committee** shall meet within the time period suggested by the executive director. The specific time and place of the meeting shall be determined by the chairman of the committee. Prior to the meeting, the chairman shall distribute to the members copies of the appeal and written responses.

§83.84 (203.02.09.004). Oral Argument before the Appeals [Executive] Committee.

(a) At the request of the child's representative, the respondent, or an interested person, the **Appeals [Executive] Committee** shall hear oral arguments on the appeal. Should such a request be made, the chairman of the committee shall notify the child's representative, the respondent, and interested persons of the time and place the arguments will be presented.

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

(d) Members of the **Appeals [Executive] Committee** may question persons presenting oral argument.

(e) (No change.)

(f) Attendance during the presentations may be limited at the discretion of the chairman to the members of the committee, the child's representative, the **legal [general] counsel** of the Texas Youth Council, and the person presenting oral argument.

(g) (No change.)

§83.85 (203.02.09.005). Report of Evaluation. The **Appeals [Executive] Committee** shall meet in closed session to evaluate the contentions on appeal. The report of the committee to the executive director shall be in writing and shall be based upon the opinion of the majority. If a member does not concur with the evaluation of the majority of the committee, he may append his minority report to the majority report and state explicitly the parts of the majority report with which he disagrees and the reasons therefor.

Doc. No. 803057

Chapter 85. Practice and Procedure

General

The following amendment is proposed to avoid confusion and clarify the purposes for which the section is intended.

Section 85.1 (203.05.01.001) is proposed for amendment under the authority of Chapter 61, Human Resource Code.

§85.1 (203.05.01.001). Object and Scope of Rules.

(a) (No change.)

(b) These sections shall govern the procedure for the institution, conduct, and determination of all causes and proceedings before the agency, except revocation of field service procedures which are covered by §§97.111-97.126 (203.42.09.001-.016) **of this title (relating to field revocation procedure); appeals to the executive director which are covered by Chapter 83 of this title; student grievances, §§103.61 and 103.62 (203.03.04.001 and .002), and employee grievances.** They shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the agency or the substantive rights of any person.

Issued in Austin, Texas, on April 25, 1980.

Doc. No. 803062 Ron Jackson
Executive Director
Texas Youth Council

Proposed Date of Adoption: June 2, 1980
For further information, please call (512) 452-8111.

Chapter 87. Reception and Receiving Centers

Admission Procedures

(Editor's note: The texts of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Youth Council, 8900 Shoal Creek Boulevard, Austin, or in the offices of the Texas Register Division, 503E Sam Houston Building, Austin.)

The Texas Youth Council proposes to repeal §§87.14-87.18 (203.10.02.004-.008). The content is contained in the case management system for delinquent youth, §§81.111-81.121 (203.01.10.001-.011).

There are no fiscal implications to state or local governments as a result of this proposed repeal.

Questions or comments should be submitted to Ron Allen, executive assistant, Texas Youth Council, P.O. Box 9999, Austin, Texas 78766.

Sections 87.14-87.18 (.004-.008) are proposed for repeal under the authority of Chapter 61, Texas Resources Code.

§87.14 (203.10.02.004). *Reclassification Information.*

§87.15 (203.10.02.005). *Return of Revoked Parolee.*

§87.16 (203.10.02.006). *IQ Limitation.*

§87.17 (203.10.02.007). *Receipt Form, Initiation of Texas Youth Council File.*

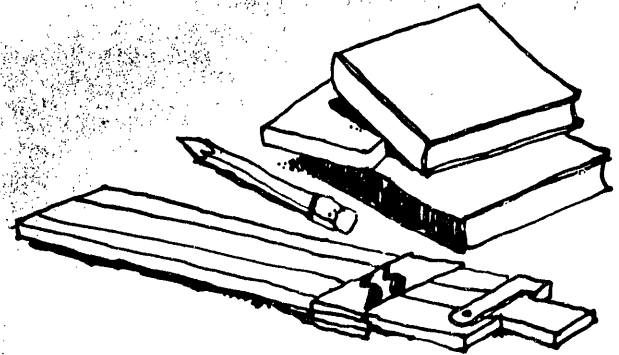
§87.18 (203.10.02.008). *Student Orientation.*

Issued in Austin, Texas, on May 1, 1980.

Doc. No. 803348 Ron Jackson
 Executive Director
 Texas Youth Council

Proposed Date of Adoption: June 9, 1980

For further information, please call (512) 452-8111.



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 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting, Fishing, and Trapping

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing held Friday, April 18, 1980, has adopted amendments to §65.62 (127.70.01.361), relating to bag, possession, and size limits for freshwater fish.

The amendments to §65.62 (.361) are adopted under the authority of Chapter 61 Texas Parks and Wildlife Code.

§65.62 (127.70.01.361). *Freshwater Fish: Bag, Possession, and Size Limits.*

(a) Bass.

(1) The daily bag limit on largemouth, smallmouth, and spotted black bass is as provided by Section 66.106(a)(1), Texas Parks and Wildlife Code; and the possession limit is 20 in the aggregate.

(2) The possession limit shall not include fish processed and stored at the fisherman's permanent residence.

(3) Minimum size limits are as provided in Section 66.105(a), Texas Parks and Wildlife Code.

(4) In the Toledo Bend Reservoir, there is a daily bag limit of 15 largemouth, smallmouth, and spotted black bass in the aggregate, and there is no possession limit.

(5) In the Fayette County power cooling pond in Fayette County, there is a daily bag limit of three largemouth bass; a possession limit of six; and a minimum size limit of 16 inches.

(6) In the Nacogdoches City Lake in Nacogdoches County, there is a daily bag limit of three largemouth bass; a possession limit of six; and a minimum size limit of 16 inches.

(7) In Lake Fork Reservoir in Wood County, there is a daily bag limit of five black bass (largemouth, smallmouth, and spotted); a possession limit of 10; and a minimum size limit of 14 inches.

(b) Catfish.

(1) In all regulatory counties, except as noted, it is unlawful to possess channel, blue, or flathead catfish less than nine inches in length taken from public waters. The daily bag limit on channel and blue catfish is 25 in the aggregate, and the possession limit is 50 in the aggregate. The daily bag limit on flathead catfish is five, and the possession limit is 10, except

(2) in the Toledo Bend Reservoir, there are no possession limits on channel, blue, or flathead catfish, and no size limits on flathead catfish;

(3) in Lake Livingston, the daily bag limit on channel and blue catfish is 50 in the aggregate and the holder of a commercial fishing license may not retain any channel or blue catfish less than 14 inches in length.

(c) The daily bag limit on walleye is 10, and the possession limit is 20.

(d) The daily bag limit on striped bass is five and the possession limit is 10, and in the Toledo Bend Reservoir, no more than two striped bass over 30 inches in length may be retained per day. There is no daily bag or possession limit on hybrids of striped bass.

(e) The daily bag limit on rainbow trout, brown trout, kamloops trout, and coho salmon is as provided by Section 66.106(a)(7), Texas Parks and Wildlife Code, and the possession limit is 10 in the aggregate.

(f) The daily bag limit on northern pike is as provided by Section 66.106(a)(6), Texas Parks and Wildlife Code, and the possession limit is three.

(g) The daily bag limit on Nile perch is three and the possession limit is six.

(h) The daily bag limit on peacock bass is three and the possession limit is six.

(i) In Aransas, Atascosa, Bee, Bexar, Dimmit, Duval, Frio, Jim Wells, Karnes, Live Oak, Maverick, Medina, San Patricio, Uvalde, Wilson, Zapata, and Zavala Counties, the daily bag limit on minnows is 200, and there is no possession limit.

(j) There is no daily bag limit or possession limit on minnows taken from private minnow hatcheries.

(k) In the Nueces River where it forms the boundary between Nueces and San Patricio Counties, in Blanco Creek and the Sarco River where they form the boundary between Bee and Goliad Counties, the following bag and possession limits are in effect:

(1) It is unlawful to take more largemouth, smallmouth, or spotted black bass of any species in one day than 15, of which not more than 10 may be of greater length than 11 inches and none may be less than seven inches in length.

(2) The daily bag limit on white bass and crappie is 25 each.

(3) The daily bag limit on channel, blue, and flathead catfish is 25 in the aggregate, and the possession limit is 50 in the aggregate.

(l) In the main stream of the Brazos River, excluding cutoffs, oxbow lakes, and tributary streams, where it forms the common boundary between Burleson and Robertson Counties, between Brazos and Burleson Counties, between Brazos and Washington Counties, and in Yegua Creek, where it forms a common boundary between Burleson and Washington Counties, bag and possession limits are as provided by Section 66.106, Texas Parks and Wildlife Code.

(m) There are no bag or possession limits on other species of fish.

(n) It is unlawful to remove game fish eggs from the public waters of this state.

(o) It is unlawful for any person while actually fishing on the public waters of this state to have in his immediate possession fish in excess of the daily bag limit as established by these rules.

Issued in Austin, Texas, on April 29, 1980.

Doc. No. 803331 Maurine Ray
Administrative Assistant
Texas Parks and Wildlife Department

Effective Date: June 1, 1980

Proposal Publication Date: March 18, 1980

For further information, please call (512) 475-4875.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 15. Drivers License

Application Requirements—Original, Renewal, Duplicate, Identification Certificates

Pursuant to the authority of Vernon's Civil Statutes 6687b, Sections 14 and 18, the Texas Department of Public Safety is adopting amendments to §§15.34 and 15.36 (201.08.02.014 and .016) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1121).

§15.34 (201.08.02.014). Renewal Period Prior to Expiration.

(a) Provisional licenses normally are not renewed more than 30 days before expiration; all others may normally be renewed 90 days before expiration.

(b) Any type license, except as otherwise noted, may be renewed 90 days before expiration date. Earlier renewals will be accepted for good cause.

(1) An application for the renewal of a provisional license will not be accepted more than 30 days in advance of the expiration date, the 18th birthday, unless the licensee has received the renewal notice.

(2) An instruction permit may be renewed anytime for the appropriate photo type license. If renewed, an instruction permit must be renewed for the appropriate type photograph license at the time the learner's restriction is removed or upon its expiration. It will not be renewed for another instruction permit, but may be renewed as a learner's license with the appropriate restriction.

§15.36 (201.08.02.016). Applications for Duplicates and Corrections.

(a) A licensee is required to notify the department of any change of name or address within 30 days and apply for a duplicate license when such change occurs.

(b) (No change.)

Doc. No. 803350

Examination Requirements

Pursuant to the authority of Vernon's Civil Statutes 6687b, Section 3, paragraph 5, Section 10, and Sections 18(c) and (d), the Texas Department of Public Safety is adopting amendments to §§15.53 and 15.58 (201.08.03.003 and .008) with only minor changes to §15.58 (.008) from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1122). Language is added to subsection (2)(A)(ii) to clarify vehicle registration requirements of military personnel stationed within Texas.

Pursuant to the authority of Vernon's Civil Statutes 6701d, Article XV, Section 141, amendments to §15.54 (.004) are adopted with changes from the proposed text.

§15.53 (201.08.03.003). Types of Vehicles for Road Test. The department classifies vehicles for road testing to determine the applicant's ability to operate that type vehicle.

(1)-(2) (No change.)

(3) The road test for an unrestricted commercial operator's or unrestricted chauffeur's license must be conducted in any motor vehicle, except motorcycle, which has a manufacturer's rated carrying capacity exceeding 2,000 pounds. If a person applies for a chauffeur's license and wants to take the test in something smaller than a vehicle with a manufacturer's rated carrying capacity of one ton or less, the license will be restricted to "vehicles not exceeding MRCC of 2,000 pounds." This will cover school bus drivers driving buses with a manufacturer's rated carrying capacity of one ton or less, as well as taxi and ambulance drivers.

§15.54 (201.08.03.004). Vehicle Inspection. The department inspects vehicles prior to road testing to determine if such vehicle meets the requirements of law and is safe to operate on a public street or highway.

(1) (No change.)

(2) Registration plates.

(A) Out-of-state registration plates. Military personnel stationed within Texas may display on their vehicles' current license plates from their state of legal residence or current plates from the state of their last duty station.

(i) Upon the expiration of such plates, a member of the United States armed forces must either obtain his license plates from his state of legal residence or from the State of Texas.

(ii) Current license plates issued from the state of last duty station to passenger cars and light trucks (one ton or less carrying capacity) will be honored only until such plates expire at which time Texas or home state registration must be secured.

(iii) The same privileges and restrictions as outlined above apply to the serviceman's wife while her husband is serving overseas as a member of the United States armed forces.

(iv) Nonmilitary personnel may operate on valid out-of-state plates while nonresidents or for 30 days after establishing residence or becoming gainfully employed.

(v) Nonresident, full-time students attending accredited colleges and universities are granted full reciprocity. Part-time jobs are considered incidental to the student's education and full reciprocity is still granted.

(B)-(F) (No change.)

(3) Vehicle inspection.

(A) Inspection certificate:

(i) current Texas vehicle inspection certificate properly affixed for all motor vehicles registered in Texas; or

(ii) a valid out-of-state inspection certificate from one of the following states: Arkansas, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Indiana, Iowa, Louisiana, Maine, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, West Virginia.

(iii) No inspection certificate is required for a Texas registered vehicle which was out of the state of Texas during an inspection period during the first trip to the home station or destination in Texas and for three days thereafter.

(B)-(D) (No change.)

(E) Truck tractor inspection. In addition to equipment inspected in subparagraphs (B) and (C), truck tractor inspection includes cab clearance lamps.

(F) Motor-driven cycles and motorcycles. Equipment inspected on motor-driven cycles and motorcycles includes the following:

- (i) horn
- (ii) rearview mirror
- (iii) one tail lamp
- (iv) one stop lamp
- (v) one rear red reflector
- (vi) one head lamp
- (vii) exhaust system

(G) Motor-assisted bicycles. Equipment inspected on motor-assisted bicycles includes the following:

- (i) brakes
- (ii) head lamp
- (iii) reflectors

§15.58 (201.08.03.008). *Medical Advisory Board Referrals.* Persons applying for or holding a Texas drivers license and having a physical or mental condition, the extent of which cannot be determined by the department, are referred to the Medical Advisory Board for further evaluation.

(1) Guidelines for referral for physical conditions are:

(A) Eye diseases.

(i) Under the care of a physician, excluding the fitting of lenses when no disease is present.

(ii) Any driver license applicant using a telescopic aid to pass the vision examination.

(B) Cardiovascular diseases.

(i) Heart diseases:

(I) if applicant for commercial operator's or chauffeur's license (unless restricted to single unit vehicle not to exceed 24,000 pounds gross or combination of vehicles of which the towing vehicle does not exceed 24,000 pounds gross; lower risk local areas, private chauffeur, or similar restrictions which do not permit regular cargo or passenger transport driving) has had a heart attack within the past three years;

(II) if applicant for operator's license, or commercial operator's or chauffeur's license with restrictions noted in subclause (I) of this clause has had a heart attack during the past year or is under the care of a physician.

(ii) Cerebral vascular diseases—strokes, cerebral hemorrhage, or clots:

(I) if applicant for commercial operator's or chauffeur's license with restrictions noted in subparagraph (B)(i)(I) of this paragraph has had an episode of loss of consciousness with or without convulsions within the past three years, has "blacked out" for any reason within the past three years, or is under the care of a physician;

(II) if applicant for operator's license, or commercial operator's or chauffeur's license with restrictions noted in subparagraph (B)(i)(I) of this paragraph has had a single episode, or recurrent episodes, of loss of consciousness with or without convulsions in the past year, has "blacked out" for any reason in the past year, or is under the care of a physician.

(iii) Hypertension—high blood pressure. All applicants, if under the care of a physician.

(iv) Blood vessel disorders (aneurism—abnormal dilation of the blood vessels). All applicants, if under the care of a physician and a qualifying road test has confirmed considerable interference with braking or acceleration.

(C) Diabetes mellitus:

(i) if applicant for commercial operator's or chauffeur's license with restrictions noted in subparagraph (B)(i)(I) of this paragraph is taking insulin injections, has "blacked out" or lost consciousness within the past three years, or is under the care of a physician;

(ii) if applicant for operator's license, commercial operator's, or chauffeur's license with restrictions noted in subparagraph (B)(i)(I) of this paragraph has had an insulin or hypoglycemic reaction (insulin shock) in the past year, has "blacked out" or lost consciousness in the past year, or is under the care of a physician.

(D) Respiratory conditions (advanced emphysema or cor pulmonale—heart disease which is secondary to the disease of the lungs). All applicants, if under the care of a physician and a qualifying road test has confirmed that shortness of breath or audible wheezing considerably affects safe driving ability.

(E) Impairments of upper or lower extremities, or both (partial or complete paralysis; loss of any of the extremities—hand, arm, foot, leg; stiffness of joints from arthritis or other conditions). All applicants under the care of a physician, and a qualifying road test has confirmed that the impairment considerably affects safe driving ability.

(2) Guidelines for referral for mental or emotional disorders are:

(A) Neurological disorders. All applicants who have had an epileptic seizure within the past three years or are under the care of a physician for any other seizure, dizzy spell, or similar disorder.

(B) Mental patients. All applicants, as follows:

(i) involuntary mental patient committed for indefinite hospitalization;

(ii) involuntary mental patient with a guardian appointed;

(iii) all other mental patients if treated for mental, nervous, or emotional conditions within the past three years.

(C) Alcoholism. All applicants, as follows:

- (i) three or more convictions for offenses involving drinking, the last offense occurring within past two years;
- (ii) involvement in two or more accidents while drinking, the last incident occurring within past two years;
- (iii) a reliable report that the applicant has had an active drinking problem within the past year;
- (iv) admits to an active drinking problem within the past year;
- (v) under the care of a physician.

(D) Drug abuse. All applicants, as follows:

- (i) addiction to any drug affecting safe driving ability;
- (ii) a reliable report that applicant has had an active drug problem in the past year.
- (iii) admits to an active drug problem in the past year;
- (iv) under the care of a physician.

(E) Multiple impairments, which in combination affect safe driving ability although a single impairment might not. All applicants, if under the care of a physician and a qualifying road test has confirmed considerable interference with safe driving ability.

(3) Guidelines for referral for other conditions are as follows: other serious mental or physical condition—all applicants, if under the care of a physician, and a qualifying road test has confirmed that safe driving ability is considerably affected by the condition.

(4) Terms defined.

(A) "Under the care of physician" is defined as having been referred to for treatment or having received treatment from a physician for the medical condition or conditions indicated in the past 12 months without a release from further treatment.

(B) "Active drinking problem." Use of alcoholic beverages to the extent of interfering with driving, working, social, or family responsibilities as confirmed by any one of the following occurring in the past six months:

- (i) an arrest involving alcohol;
- (ii) a reliable family report of excessive use of alcohol;
- (iii) a contact with a social agency because of the use of alcohol; or
- (iv) demonstrated psychological dependence on alcohol.

(C) "Active drug problem." Use of drugs to the extent of interfering with driving, working, social, or family responsibilities as confirmed by any one of the following occurring in the past six months:

- (i) an arrest involving drugs;
- (ii) a reliable family report of use of drugs;
- (iii) a contact with social agencies because of use of drugs; or
- (iv) demonstrated psychological dependence on drugs.

Doc. No. 803351

Chapter 23. Vehicle Inspection**Vehicle Inspection Station Licensing**

Pursuant to the authority of Vernon's Civil Statutes 6701d, Article XV, Section 141, the Texas Department of Public Safety is adopting amendments to §§23.5, 23.7, and 23.14

(201.12.01.005, .007, and .014) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1123).

§23.5 (201.12.01.005). Specific Requirements for Motorcycle Vehicle Inspection Stations. Motorcycle inspection area. The inspection area shall be at least eight feet by 10 feet if a headlamp tester is used, or at least eight feet by 35 feet if a screen is used for inspecting headlamps. A motorcycle vehicle inspection station shall have a 1/4 inch round paper punch for punching trailer-motorcycle inspection certificates.

§23.7 (201.12.01.007). Equipment Requirements for All Classes of Vehicle Inspection Stations.

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

(f) Each vehicle inspection station is required to own and maintain, as a minimum, the equipment listed below:

(1) tools for making tests, repairs, and adjustments ordinarily encountered on those types of vehicles to be inspected;

(2) a measured and marked brake test area which has been approved by the department, or an approved brake inspecting device;

(3) a measuring device clearly indicating measurements of 12 inches, 15 inches, 20 inches, 24 inches, 54 inches, 60 inches, 72 inches, and 80 inches to measure reflector height, clearance lamps, side marker lamps, and turn signal lamps on all vehicles; motorcycle vehicle inspection stations are not required to have an 80-inch measure;

(4) a laundry marking pen for completing the reverse side of the windshield inspection certificate;

(5) a squeegee for properly applying inspection certificate;

(6) a scraping device for removing the old inspection certificate;

(7) a gauge for measuring tire tread depth;

(8) a 1/4-inch round hole punch if motorcycle-trailer certificates are issued; and

(9) a brake pedal reserve checker with one-inch and two-inch clearances.

§23.14 (201.12.01.014). Vehicle Inspection Station License Renewal.

(a) Forms required. To obtain renewal of the vehicle inspection station license, the following shall be submitted to the department:

(1) the signature card, Form VI-13; and

(2) the statutory licensing fee of \$30.

(b)-(d) (No change.)

Doc. No. 803352

General Inspection Requirements

Pursuant to the authority of Vernon's Civil Statutes 6701d, Article XV, Section 142, the Texas Department of Public Safety is adopting amendments to §23.25 (201.12.02.005) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1123).

§23.25 (201.12.02.005). Safeguarding Certificates.

(a) Vehicle inspection station owners and operators are responsible for all certificates issued to them. Adequate facilities shall be provided for safeguarding all certificates. The inspection certificates shall be kept under lock and key

at all times in a metal box or a secure container with a locking device.

(b) Vehicle inspection stations may not furnish, give, loan, or sell certificates to any other vehicle inspection station. A vehicle inspection station's failure to have an adequate supply of certificates on hand at all times during the inspection year shall be cause for suspension or revocation of the vehicle inspection station's certificate of appointment.

(c) When an old certificate is removed from the vehicle, it shall be destroyed so that it cannot be reused. Certificates shall not be transferred to another windshield or reissued.

Doc. No. 803353

Vehicle Inspection Records

Pursuant to the authority of Vernon's Civil Statutes 6701d, Article XV, Sections 140, 141, and 142, the Texas Department of Public Safety is adopting amendments to §§23.51 and 23.52 (201.12.04.001 and .002) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1124).

§23.51 (201.12.04.001). Retention of Records.

(a) Records must be kept in a safe place within the vehicle inspection station.

(b) Records will be available to authorized officers of the department.

(c) Records shall be filed in a manner to insure ready availability.

(d) Duplicate copies of vehicle inspection station reports, rejection receipts, and requisitions shall be kept by the vehicle inspection station for at least one year from the date of completion.

(e) All reports, requisitions, and other correspondence relative to vehicle inspection shall be sent to the Texas Department of Public Safety, Vehicle Inspection Records, Austin, Texas.

(f) Certificates and number inserts shall be kept locked at all times to prevent theft.

§23.52 (201.12.04.002). Vehicle Inspection Forms.

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

(c) Requisition for certificates, Form VI-18.

(1) The initial order for certificates is supplied by the department representative when the vehicle inspection station is placed into operation.

(2) Any subsequent order for certificates shall be submitted by the vehicle inspection station and directed to the Texas Department of Public Safety, Vehicle Inspection Records, Austin, Texas.

(3) Requisition Form VI-18 shall be accompanied by a cashier's check or money order made payable to the Texas Department of Public Safety.

(4) All information required on the requisition, VI-18, shall be completed. The signature on the requisition shall be a signature that has been authorized on the signature card, VI-13, on file with the department.

(5) The original and one copy of the requisition, Form VI-18, shall be submitted by the vehicle inspection station.

(d)-(f) (No change.)

(g) The department shall furnish serially numbered identification certificates, Form VI-30-A, to all vehicle inspection stations for the purpose of verifying the vehicle identification number on vehicles coming into Texas from another state or country.

Doc. No. 803354

Vehicle Inspection Station Operation

Pursuant to the authority of Vernon's Civil Statutes 6701d, Article XV, Section 141, the Texas Department of Public Safety is adopting amendments to §§23.73 and 23.74 (201.12.06.003 and .004) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1124).

§23.73 (201.12.06.003). Inspection Fees.

(a) The inspection fee charged for a motor-assisted bicycle is \$2.00; for all other inspections, the fee is \$5.00. All required inspection items shall be examined for one single fee and will constitute an official inspection.

(b) (No change.)

§23.74 (201.12.06.004). Refunds of Unused Inspection Certificates.

(a) (No change.)

(b) All unused inspection certificates and all properly issued VI-30 A certificates shall be accounted for to the department. Refunds will be made covering all unused inspection certificates and all properly issued VI-30 A certificates at the end of each inspection year by the department. When a vehicle inspection station goes out of business or its vehicle inspection privileges are revoked, refund for the unused certificates and properly issued VI-30 A certificates will be issued as soon as is practicable. The count of the department for returned certificates is final. Refunds will be reported by utilizing Refund Voucher, VI-40, and Requisition for Inspection Certificates, VI-18.

Doc. No. 803355

Chapter 29. General Rules of Practice and Procedure

Pursuant to the authority of Vernon's Civil Statutes 6252-13a, Section 4, the Texas Department of Public Safety is adopting amendments to §29.5 (201.15.00.005) with no changes from the text proposed in the March 25, 1980, issue of the *Texas Register* (5 TexReg 1124).

§29.5 (201.15.00.005). Computation of Time.

(a) Computing time. In computing any period of time prescribed or allowed by these sections, by order, rule, or regulation of the agency or commission, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such

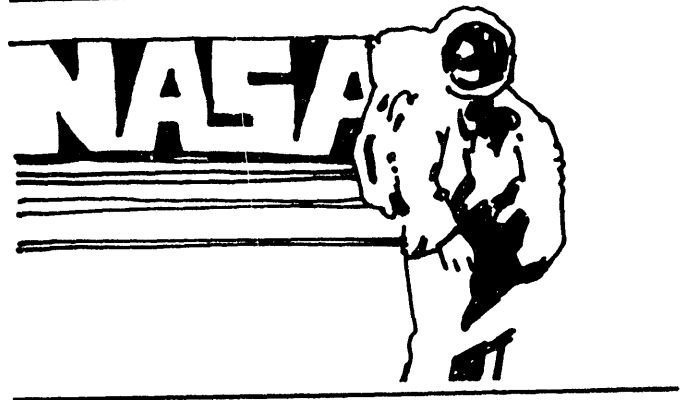
computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(b) (No change.)

Issued in Austin, Texas, on April 29, 1980.

Doc. No. 803356 James B. Adams
 Director
 Texas Department of Public Safety

Effective Date: May 30, 1980
Proposal Publication Date: March 25, 1980
For further information, please call (512) 452-0331.



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 Department of Health

Thursday, May 15, 1980, 10 a.m. The Controlled Substances Therapeutic Research Review Board of the Texas Department of Health will meet in the Shivers Room at 6723 Bertner Drive (at the corner of Holcombe and Bertner), Houston. According to the agenda summary, the board will hear the minutes of the April 3, 1980, meeting, and consider the following: selection of a chairperson; presentation of implementation of a feasibility study; and hear recommendations regarding implementation.

Additional information may be obtained from Clarence R. Allen Jr., M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7668.

Filed: May 1, 1980, 4:17 p.m.
Doc. No. 803344

Texas Health Facilities Commission

Friday, May 16, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

certificate of need
DeTar Hospital, Victoria
AH79-0926-013
Coronado Community Hospital, Inc., Pampa
AH79-1001-019
Greenleaf Psychiatric Center, Bryan
AS79-1130-017
Abilene Regional MH/MR Center, Abilene
AA79-1004-016
All Saints Episcopal Hospital, Fort Worth
AH79-1203-029
Southside Kidney Disease Clinic, San Antonio
AS79-1019-007
Alief-Belhaven Psychiatric Hospital, Houston
AH79-1004-031

declaratory ruling
Sierra Medical Center, El Paso
AH76-1022-010
exemption certificate
Lockney General Hospital, Lockney
AH80-0414-012
Southwestern General Hospital, El Paso
AH80-0407-049
Seton Medical Center, Austin
AH80-0321-011
Clifton Lutheran Sunset Home, Clifton
AH80-0324-005
Saint Luke's Episcopal/Texas Children's Hospitals, Houston
AH80-0318-003
Hotel Dieu Hospital and Medical Center, El Paso
AH80-0318-006
Saint Luke's Episcopal Hospital, Houston
AH80-0314-004

amendment of certificate of need order
Grand Saline Manor, Grand Saline
AH78-1113-001A(040980)
Methodist Hospitals of Dallas, Dallas
AH78-0314-001A(030680)
Vida Y Salud-Health Systems, Inc., Crystal City
A078-0908-005A(040380)

transfer of exemption certificate
Fort Bend Community Hospital, Sugarland
AH75-1010-007T(103079)

amendment of exemption certificate order
Fort Bend Community Hospital, Sugarland
AH75-1010-007E(4)(073079)

Further information may be obtained from O.A. Cassity, III, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: May 2, 1980, 11:32 a.m.
Doc. No. 803358

Texas Housing Agency

Monday, May 12, 1980, 9 a.m. The Board of Directors of the Texas Housing Agency will meet in the Lieutenant Governor's Committee Room in the Capitol. According to the agenda, the board will hear overview of state housing finance programs by Tom White, executive vice president, Council of State Housing Agencies; conduct a swearing-in ceremony; discuss Texas Housing Agency powers and duties, and state statutes relevant to agency operations; elect board vice chairman, secretary, treasurer. The board will also consider action to establish interim agency budget and authorize expenditures under it; establishment of comptroller appropriation account and signatory authorization; range and preferred qualifications for position of executive administrator; establishment of personnel search committee; board action concerning preliminary activities for selection of agency bond counsel and financial advisors; and scheduling of future board meetings.

Additional information may be obtained from Sid Wieser, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-2431.

Filed: May 2, 1980, 3:57 p.m.
Doc. No. 803389



Texas Legislative Council

Friday-Saturday, May 16-17, 1980, 10 a.m. The Election Code Study Committee of the Texas Legislative Council will meet in the Senate Finance Committee Room (Room 301), of the Capitol, to consider staff reports on election equipment and supplies; time and place of elections; supplemental report on recounts; and absentee voting.

Additional information may be obtained from Walter Fisher, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-2736.

Filed: May 5, 1980, 11 50 a.m.
Doc No 803398

Texas Board of Private Investigators and Private Security Agencies

Tuesday, May 6, 1980, 9 a.m. The Board of the Texas Board of Private Investigators and Private Security Agencies made an emergency addition to the agenda of a meeting held in Room 127, conference room, 105 West Riverside Drive, Austin. According to the agenda, the addition concerned discussion and possible board action on City of Houston Alarm Ordinance. The urgent nature of this ordinance and its relation to Article 4413 (29bb) Vernon's Annotated Civil Statutes, as amended, necessitates that the agenda be amended on an emergency basis.

Additional information may be obtained from Clema D. Sanders, 510 South Congress, Suite 116, Austin, Texas 78704, telephone (512) 475-3944

Filed: May 1, 1980, 2:38 p.m.
Doc. No. 803342

Public Utility Commission of Texas

Thursday, May 15, 1980, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the hearings division will conduct a prehearing in Docket 3212—application of Magic Valley Electric Cooperative, Inc., for a rate increase within Cameron, Hidalgo, Kennedy, Starr, and Willacy Counties.

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

Filed: May 1, 1980, 4 p.m.
Doc. No. 803347

Railroad Commission of Texas

Monday, May 5, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin. The addition concerned consideration of Gas Utilities Dockets 2356, 2359, and 2563—applications of Estoril Producing Corporation, Johns Brick and Tile Company, and General Portland, Inc., for permission to purchase Natural Gas from Valero Transmission Company. Ruling on motion filed by Estoril Producing Corporation for an interim order seeking temporary Valero connection pendente lite. Consideration on less than seven days notice was required as a matter of urgent public necessity because delay of this matter may result in irreparable damage to the applicant's production business.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1146.

Filed: May 2, 1980, 3:14 p.m.
Doc. No 803380

Monday, May 5, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas met in emergency session in the first floor auditorium, 1124 South IH 35, Austin, to consider of Docket 6 75.133—motion of Seagull International Inc., for an interim provisional temporary order establishing spacing and density rules in the Pine Hill, Southeast (Travis Peak), and Pine Hill, Southeast (Rodessa Gloyd) Fields, Panola County.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1285

Filed: May 2, 1980, 3:15 p.m.
Doc. No 803378

Monday, May 5, 1980, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in Room 107, 1124 South IH 35, Austin. The item added concerned consideration of Application 8 of B.N.M., Inc., et al., Docket 023558ZZT, to amend Item 150 series in RCT tariff 8-H by increasing the column 2 rates (applicable on rice), by 18.58%. Consideration on less than seven days notice was required as a matter of urgent public necessity because delay was likely to result in curtailment of essential transportation services currently being rendered to the public.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330

Filed: May 2, 1980, 3:14 p.m.
Doc. No. 803379

Monday, May 12, 1980, 9 a.m. The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider certain matters concerning word processing with the operating divisions of the commission and additional memory capacity for the commission's IBM 370/158 computing system.

Additional information may be obtained from David Garlick, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1204.

Filed: May 2, 1980, 3:15 p.m.
Doc. No. 803377

Monday, May 12, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda, the division will consider Gas Utilities Docket 2620, and the director's report.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: May 2, 1980, 3:13 p.m.
Doc. No. 803384

Monday, May 12, 1980, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in Room 107, 1124 South IH 35, Austin. The addition concerns consideration of Gas Utilities Dockets 2596 through 2616.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: May 2, 1980, 3:16 p.m.
Doc. No. 803382

Monday, May 12, 1980, 9 a.m. The Liquefied Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Additional information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1189.

Filed: May 2, 1980, 3:15 p.m.
Doc. No. 803385

Monday, May 12, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1273.

Filed: May 2, 1980, 3:17 p.m.
Doc. No. 803388

Monday, May 12, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: May 2, 1980, 3:13 p.m.
Doc. No. 803383

Monday, May 12, 1980, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns whether or not to publish proposed amendments to Statewide Rules 13 (051.02.02.013) and 21 (051.02.02.021) in the *Texas Register*.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1285.

Filed: May 2, 1980, 3:14 p.m.
Doc. No. 803381

Monday, May 12, 1980, 9 a.m. The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, following the regular agenda, the commission will go into executive session to discuss personnel actions for all divisions and to consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Additional information may be obtained from Carla S. Doyme, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1186.

Filed: May 2, 1980, 3:15 p.m.
Doc. No. 803386

Monday, May 12, 1980, 9 a.m. The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: May 2, 1980, 3:17 p.m.
Doc. No. 803387

Structural Pest Control Board

Tuesday, May 20, 1980, 9:30 a.m. The Structural Pest Control Board will meet in Suite 123, Building H, 5555 North Lamar, Austin. According to the agenda, at the board's request, Harold Womack of Samples Exterminators, and Homer E. Dysart of Dysart Bugmobile Company, Inc., will appear before the board at 9:30 a.m. and 10 a.m., respectively.

The board will also approve minutes of the March 5, 1980, meeting; hear the executive director's report; and set the date for the next board meeting.

Additional information may be obtained from Charlie Chapman, 5555 North Lamar, Building H, Suite 123, Austin, Texas 78751, telephone (512) 454-3617.

Filed: May 5, 1980, 9:21 a.m.
Doc. No. 803395

Tax Assessor Examiners Board

Friday, May 16, 1980, 11 a.m. The Tax Assessor Examiners Board will meet in the conference room of the Marriott Hotel, 711 East Riverwalk, San Antonio. According to the agenda, the board will approve minutes from last meeting; hear presentation by Alfred Beauchamp, RPA; consider the treasury report, and 1982-83 budget; and discuss the following: demonstration appraisal outline and grading form, revision of RPA examination, computerization of records, requirements for filing at the *Texas Register* director's reports, possibility of offering the RPA examination at eight various locations, and desirability of conducting a one-day school prior to examinations. The board will also meet in executive session to discuss personnel matters.

Additional information may be obtained from Ben H. Tow, P.O. Box 13246, Austin, Texas.

Filed: May 2, 1980, 3:37 p.m.
Doc. No. 803374



Texas Tech University

Thursday, May 8, 1980, 8:30 a.m. The Health Affairs Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board of Regents Suite, Committee Room A, Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session and considered affiliation agreement with University of Texas at El Paso, College of Nursing, El Paso; shared services; resident affiliation agreements.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:15 p.m.
Doc. No. 803362

Thursday, May 8, 1980, 9 a.m. The Executive Committee of the Board of Regents of the Texas Tech University met in the Board of Regents Suite (Committee Room A), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session and considered personnel matters.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:15 p.m.
Doc. No. 803363

Thursday, May 8, 1980, 9 a.m. The Executive Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board of Regents Suite (Committee Room A), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session and considered personnel matters.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803364

Thursday, May 8, 1980, 9:45 a.m. The Academic and Student Affairs Committee of the Board of Regents of the Texas Tech University met in the Board of Regents Suite (Committee Room B), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session; and considered the following: security clearance, appointment with tenure, academic information systems and priority planning.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:15 p.m.
Doc. No. 803365

Thursday, May 8, 1980, 9:45 a.m. The Academic and Student Affairs Committee of the Board of Regents of Texas Tech University Health Sciences Center met in the Board of Regents Suite (Committee Room B), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session; and considered continuation of the employment of a faculty member after age 70; affiliation agreement and program agreement with the University of Texas at El Paso, College of Nursing, El Paso.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803366

Thursday, May 8, 1980, 10:30 a.m. The Public Affairs, Development and University Relations Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite (Committee Room B), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session; and considered new members to the Board of Directors of the Texas Tech University Foundation.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:13 p.m.
Doc. No. 803367

Thursday, May 8, 1980, noon. The Campus and Building Committee of the Texas Tech University Board of Regents met in the Board of Regents Suite (Committee Room A), Administration Building on campus, Lubbock. According to the agenda, the committee met in executive session; and considered the following: parking and traffic regulations for 1980-81; approval of contract documents, authority to receive bids and award a construction contract on the Music Building; award of a construction contract on the Jones Stadium structural renovation; award of contract on the University Center kitchen improvements; selection of an engineer for the renovation and improvements of the utilities distribution system—north tunnel; acceptance date for the dressing rooms in the Lubbock Coliseum; construction for Petroleum Engineering; and basketball facilities in the coliseum.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:13 p.m.
Doc. No. 803368

Thursday, May 8, 1980, noon. The Campus and Building Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board of Regents Suite (Committee Room A), Administration Building, on campus in Lubbock. According to the agenda, the committee met in executive session, and considered the following: parking and traffic regulations for 1980-81; awarding of a construction contract for the Texas Tech Regional Academic Health Center at Amarillo, Phase II.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803369

Thursday, May 8, 1980, noon. The Finance Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite, (Committee Room A), Administration Building, Lubbock. According to the agenda summary, the committee met in executive session; and considered reports on uncommitted funds; external audits; status of budget for 1980-81; cash investments and depository agreements. The committee also considered authorization for president to conduct business; specification of officers and/or employees

to sign checks; change in delegation of board authority to approve reimbursement of official travel expenses and other expenditures; delegation of officers and administrator to approve travel; delegation of board authority to authorize and approve expenditures from appropriated funds; increasing the graduation fee; student service fee; residence hall rates for 1980-81; statement of general policies to govern the granting of tuition scholarships.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803370

Thursday, May 8, 1980, 5 p.m. The Finance Committee of the Board of Regents of Texas Tech University met in the Board of Regents Suite (Committee Room A), Administration Building, on campus in Lubbock. According to the agenda summary, the committee met in executive session; and considered reports on uncommitted funds; external audits; LCHD utility study; status of budget for 1980-81; cash investments and depository agreements; engineering study of Utility Plant 2; authorization for president to conduct business; specification of officers and/or employees to sign checks; change in delegation of board authority to approve reimbursement of official travel expenses and other expenditures; delegation of officers and administrators to approve travel; delegation of board authority to authorize and approve expenditures from appropriated funds; increasing the graduation fee; approval of contractual agreement with South Plains Emergency Medical Services, Inc., approval of a clinical service contract for the Department of Obstetrics/Gynecology with El Paso County hospital district, doing business as R. E. Thompson General Hospital; and student service fee.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803371

Friday, May 9, 1980, 9 a.m. and 11 a.m. The Board of Regents of Texas Tech University met in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda summary, the committee met in executive session; and considered reports and action on the following: minutes and items for ratification; academic and student affairs; finance; campus and building; Committee of the Whole; public affairs; development and university relations.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

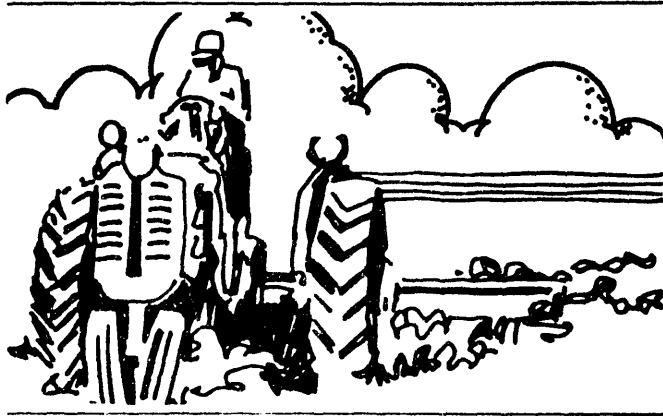
Filed: May 2, 1980, 2:13 p.m.
Doc. No. 803372

Friday, May 9, 1980, 9 a.m. The Board of Regents of the Texas Tech University Health Sciences Center met in the Board of Regents Suite, Administration Building, on campus in Lubbock. According to the agenda summary, the board

met in executive session; and consider reports and action on: minutes and items for ratification; Academic and Student Affairs; finance; campus and building; Committee of the Whole.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: May 2, 1980, 2:14 p.m.
Doc. No. 803373



Texas Woman's University

Saturday, May 10, 1980, 10 a.m. The Board of Regents of the Texas Woman's University will meet on the 16th floor of the Administration and Conference Tower Building, Denton, to consider the following items: minutes of February 21, 1980 meeting; personnel additions and changes; acceptance of gifts and grants; contracts and agreements; allocation of federal funds; sale of surplus university property; certificate of substantial completion for construction of the golf course clubhouse; various change orders; renewal and extension of insurance coverage; 1980-81 student handbook; fee of \$20 to be assessed for violations of residence hall check-out procedures; 1980-81 classified pay plan; revised bylaws of the Board of Regents; and designation of student center as the "Mary Eleanor Brackenridge Student Center."

Additional information may be obtained from Mary Evelyn Blagg Huey, Texas Women's University, Denton, Texas 76204, telephone (817) 383-1466.

Filed: May 2, 1980, 2:11 p.m.
Doc. No. 803361

Texas Turnpike Authority

Wednesday, May 14, 1980, 2 p.m. The Permanent Contract Awards Committee of the Texas Turnpike Authority will meet at 910 North Watson Road, Administration Building, Arlington. According to the agenda summary, the committee will consider award of Contract HSC-23 for north approach roadway paving and base for the Houston Ship Channel Bridge project; approval of purchase contract for new computer system; lease extension of Contract DNT 41B for toll

collection equipment on the Dallas North Tollway; Supplemental Agreement 2 to Contract MLB-17 for revising lease of toll collection equipment on the Mountain Creek Lake Bridge.

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

Filed: May 2, 1980, 2:12 p.m.
Doc. No. 803360

Veterinary Medical Examiners

Sunday, June 1, 1980, 2 p.m. The Texas State Board of the Veterinary Medical Examiners will meet at Aggieland Inn, 1502 Texas Avenue, and Rudder Tower, Texas A&M University, College Station, to discuss general business, practice complaints, enforcement, and to conduct licensing examinations. Examinations will begin Monday at 8 a.m. June 2, 1980, and continue through Wednesday, June 4, 1980, at Rudder Tower on the Texas A&M University Campus, College Station.

Additional information may be obtained from T. D. Weaver, 603 Capital National Bank Building, Austin, Texas 78701.

Filed: May 5, 1980, 9:11 a.m.
Doc. No. 803396

Texas Water Commission

Thursday, May 8, 1980, 10 a.m. The Texas Water Commission conducted an emergency meeting in Annex 1 Meeting Room, 3701 West Alabama, Houston-Galveston Area Council, Houston. According to the agenda summary, the commission heard application by City of Houston, Department of Public Works (Southwest Plant), for an amendment to Permit 10495-37, which currently specified interim discharge limitations of 20 mg/l for BOD and total suspended solids with a permitted flow of 30,000,000 gallons per day average and final limitations effective September 1, 1980, from the plant which is located at the intersection of Beechnut and Newcastle Streets in Houston, Harris County. The emergency was warranted because notice of the referenced application was properly and timely mailed to the applicant on April 3, 1980, and to all affected persons, including adjacent landowners, on April 3, 1980; however, notice was not timely filed with the Secretary of State for publication in the *Texas Register* and was filed as an emergency item. Also the applicant has had the notice of hearing properly published in a newspaper of general circulation in the vicinity on April 17, 1980.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: May 1, 1980, 4:02 p.m.
Doc. No. 803345

Thursday, May 8, 1980, 10 a.m. The Texas Water Commission conducted an emergency meeting in the Annex One Meeting Room, 3701 West Alabama, Houston-Galveston

Area Council, Houston. According to the agenda summary, the commission heard application by Young K. Lee (Brazos Bend Motel, Missouri City) for a permit to authorize a discharge of treated domestic sewage at a volume not to exceed an average flow of 5,000 gallons per day from the motel sewage treatment plant located approximately 1,500 feet east of the intersection of U.S. Highway 90A and FM Road 359 in Fort Bend County. The emergency meeting was warranted because notice of the referenced application was properly and timely mailed to the applicant on April 3, 1980, and to all affected persons, including adjacent landowners, on April 3, 1980; however, notice was not timely filed with the Secretary of State for publication in the *Texas Register* and was filed as an emergency item.

Additional information may be obtained from Phillip Paine, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: May 1, 1980, 4:01 p.m.
Doc No 803346

Monday, May 12, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider applications for water district bond; release from escrow; use of surplus funds; water quality permits; amendments and renewals; petition for emergency water uses; final decision on application; voluntary cancellation of water right permit; and filing and setting of hearing date.

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

Filed: May 2, 1980, 3:55 p.m.
Doc. No. 803375

Wednesday, May 28, 1980, 10 a.m. The Texas Water Commission filed a revised agenda for a meeting to be held in the Fort Bend County Commissioner's Court, Fort Bend County, regarding an application of Sienna Plantation Levee Improvement District of Fort Bend County for approval of preliminary plans for construction of an outfall drainage ditch on Oyster Creek, Long Point Creek and Cow Bayou, tributaries of Brazos River in Fort Bend County.

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

Filed: May 2, 1980, 3:54 p.m.
Doc. No. 803391

Thursday, May 29, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, Austin, regarding adjudication water rights claims in the Upper Trinity River Segment of the Trinity River Basin.

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

Filed: May 2, 1980, 3:54 p.m.
Doc No 803376

Wednesday, May 28, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, regarding adjudication of claims of water rights in the Blanco and San Marcos Rivers Watershed of Guadalupe River Basin.

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

Filed: May 2, 1980, 3:54 p.m.
Doc. No. 803390

Thursday, July 17, 1980, 10 a.m. The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 4042 of Chappell Hills, Inc., for a permit to maintain five existing reservoirs on separate unnamed tributaries of Little Cedar Creek, tributary of New Year Creek, tributary of Brazos River Basin, for the purpose of impounding water for recreational purposes in Washington County.

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

Filed: May 2, 1980, 3:55 p.m.
Doc. No. 803392

Regional Agencies

Meetings Filed May 2, 1980

The Austin-Travis County MH/MR Center, Board of Trustees, met in rescheduled session in the board room, 1430 Collier Street, Austin, on May 6, 1980, at noon. Further information may be obtained from Becky Howard, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

The Concho Valley Council of Governments, Executive Committee, met in Saint Angelus Room, Central National Bank, 36 West Beauregard, San Angelo, on May 7, 1980, at 7 p.m. Further information may be obtained from James F. Ridge, 17 South Chadbourne, Suite 200, San Angelo, Texas 76903, telephone (915) 653-1214.

The Copano Bay Soil Conservation District 329, will meet in the Grand Jury Room, Refugio County Courthouse, Refugio, on May 9, 1980, at 9 a.m. Further information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, telephone (512) 526-2334.

The Deep East Texas Council of Governments, Area Agency on Aging, Regional Aging Advisory Council, will meet in Room 209 (Auditorium), Science Building, Angelo College, Lufkin, on May 9, 1980, at 1:30 p.m. Further information may be obtained from Martha Jones, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

The Education Service Center, Region VII, Board of Directors, will meet in the McNee Room, Holiday Inn, Highway 259, Henderson, on May 13, 1980, at 7 p.m. Further information may be obtained from Don J. Peters, P.O. Box 1622, Kilgore, Texas 75662, telephone (214) 984-3071.

The Edwards Underground Water District, Board of Directors, will meet at Tower Life Building, Saint Mary's and Villita Street, San Antonio, on May 13, 1980, at 10 a.m. Further information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas, telephone (512) 222-2204.

The Houston-Galveston Area Council, Projects Review Committee, met at 3701 West Alabama, Houston, on May 6, 1980, at 9:30 a.m. Further information may be obtained from Martha Pawley Grady, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Tri-Region Health Systems Agency, Concho Valley Subarea Advisory Council, will meet in the Crystal Room, Cactus Hotel, 36 East Twohig, San Angelo, on May 13, 1980, at 7 p.m. Further information may be obtained from David Brown, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

The West Central Texas Council of Governments, Regional Council on Aging Executive Committee, met at West Central Texas Council of Governments offices, 1025 E. N. 10th Street, Abilene, on May 8, 1980, at 2 p.m. Further information may be obtained from Dorothy Vanderslice, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 803359

Meetings Filed May 5, 1980

The Capital Area Rural Transportation System, Board of Directors, will meet at the County Seat, Highway 281 South, Burnet, on May 9, 1980, at 11 a.m. Further information may be obtained from Gayle M. Sundeen, 1000 North Lamar, Austin, Texas 78703, telephone (512) 474-8315.

The Heart of Texas Region MHMR Center, Board of Trustees, met in emergency session in the second floor conference room, 110 South 12th Street, Waco, on May 6, 1980, at 3 p.m. Further information may be obtained from Sue Richardson, P.O. Box 1277, Waco, Texas 76703, telephone (817) 752-3451, ext. 213.

The Red River Authority of Texas, Board of Directors, met at the Gateway Inn, 1211 Central Expressway, North, Wichita Falls, on May 8, 1980, at 10 a.m. Further information may be obtained from Fred Parkey, 302 Hamilton Building, Wichita Falls, Texas 76301, telephone (817) 723-8697.

The South Texas Health Systems Agency, Nominating Committee of the Coastal Bend Subarea Health Advisory Council, will meet at Parkdale Library, Parkdale Plaza, Corpus Christi, on May 13, 1980, at noon. Further information may be obtained from Helen Fisher, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

Doc. No. 803394

Texas Air Control Board Contested Case Hearing

(In the matter of Asarco, Inc., contested case hearing Number 145)

Pursuant to the authority provided in Sections 3.12, 3.13, 3.15, 3.16, 3.17, and 3.20 of the Texas Clean Air Act, Article 4477-5, Vernon's Annotated Texas Statutes, hereinafter referred to as the Act, and Rules 131.02.05.001 and 131.02.04.001 of the Texas Air Control Board (TACB) procedural rules, an examiner for the Texas Air Control Board will conduct a compliance hearing relating to TACB Order 75-5 with regard to Asarco, Inc.'s (the company), El Paso Smelting Works, El Paso.

Specifically, as set out in the TACB file noted below, the TACB staff recommends that several dates for compliance be extended, including the date for a TACB staff recommendation of a net ground level concentration standard for SO₂; that several provisions be deleted; and that various other changes be made in the language of several provisions of Order 75-5.

The hearing will be for the purpose of receiving testimony and evidence relating to these proposed changes.

The TACB staff is directed to appear at the time and place shown below and to demonstrate by preponderance of evidence why the requested changes should be granted. The record of this hearing will be used by the TACB as the basis for entering such order(s) as the evidence may warrant.

A copy of the TACB's file relating to these matters and the TACB's rules and regulations are available for public inspection at the regional office of this agency located at 9615 Sims Drive, El Paso, Texas 79925, the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, and the City Clerk's Office, City Hall, Room 207, 2 Civic Center Plaza, El Paso, Texas 79999.

The examiner has set the hearing to begin at 9 a.m. on Tuesday, June 17, 1980, in the emergency operations room, City Hall basement, 2 Civic Center Plaza, El Paso, Texas 79999.

Parties to the hearing will be the staff of the Texas Air Control Board, the company, and any other interested person who makes an application in writing to the examiner which bears a postmark date no later than May 16, 1980. Such applications are to be addressed to Ramon Dasch, hearing examiner, 6330 Highway 290 East, Austin, Texas 78723. No person will be admitted as a party unless the request is timely received. At the hearing, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If an interested person desires to give testimony at the hearing but does not desire to be a party, he or she may call the Legal Division of the Texas Air Control Board at (512) 451-5711, extension 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to Rule 131.02.05.006 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference for 9 a.m. Friday, May 30, 1980, in the City Council Chambers, City Hall, second floor, 2 Civic Center Plaza, El Paso, Texas 79999. All persons admitted as parties must attend

the conference and are required to submit a list of disputed issues for consideration at the hearing. At this conference, a specific date prior to June 17, 1980, will be established for the exchange of witness lists and evidence pursuant to Rule 131.02.05.006(2).

Interested members of the general public who plan to attend the hearing are encouraged to telephone the regional office in El Paso, Texas, at (915) 591-8128, prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on April 29, 1980.

Doc. No. 803324 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: April 30, 1980, 3:30 p.m.

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

Texas Energy and Natural Resources Advisory Council

Consultant Proposal Request

Solicitation of Resumes for State Energy Conservation Grant Audits

The Texas Energy and Natural Resources Advisory Council (hereafter referred to as TENRAC) is accepting resumes from certified public accounting firms for the audit of TENRAC's Department of Energy grants.

The audit will cover the two-year period of September 1, 1978, through August 31, 1980, and must follow published Department of Energy audit guidelines.

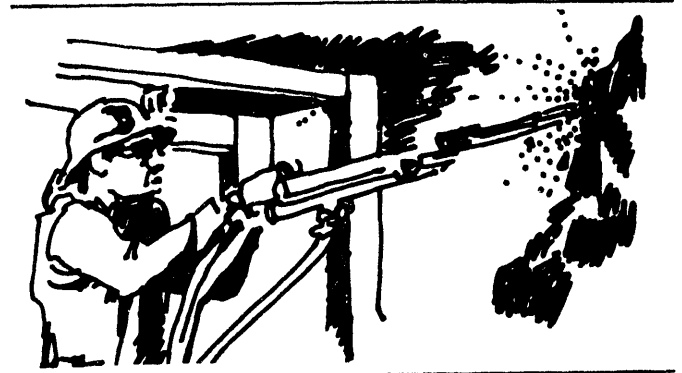
Resumes will be accepted until May 15, 1980. A firm will then be selected by a review committee at TENRAC and a contract negotiated. Resumes should be sent to TENRAC, 411 West 13th Street, Room 804, Austin, Texas 78701. Further information may be obtained by contacting David Schiller at the above address or by phone at (512) 475-8234.

Issued in Austin, Texas, on May 2, 1980.

Doc. No. 803349 David Schiller
Fiscal Officer
Texas Energy and Natural Resources
Advisory Council

Filed: May 2, 1980, 10:39 a.m.

For further information, please call (512) 475-8234.



Texas Register

Corrections of Error

A notice of proposed action which was withdrawn from consideration for adoption by the Comptroller of Public Accounts contained an error as published in the March 21, 1980, issue of the *Texas Register* (5 TexReg 1022). The notice should have stated that proposed amendments to Rules 026.02.06.016 and .018 were withdrawn.

Adopted §§109.4 and 139.2 (065.05.00.009 and 065.20.00.002) of the *State Securities Board* contained errors as published in the April 1, 1980, issue of the *Texas Register* (5 TexReg 1285 and 1287). Paragraph (11) of §109.4 (065.05.00.009) should read: "Investments of \$100,000 or more. In addition to sales made under Section 5.I of the

Securities Act, the State Securities Board, pursuant to Section 5.T of the Securities Act, exempts from the registration requirements of Section 7 of the Securities Act the sale of any securities by the issuer itself or by a registered dealer acting as agent for the issuer provided all the following conditions are satisfied in sales to Texas investors:"

Section 139.2 (065.20.00.002) should read: "*Professional Associations*. The sale, issuance, or offering of any securities of a professional association organized pursuant to Article 1528(f) of the Texas Revised Civil Statutes to persons permitted by the provisions of such article to own such securities are hereby exempted from the securities registration and dealer registration requirements of the Act; and the sale, issuance, or offering of any such securities to such persons shall be legal without any action of approval whatsoever on the part of the board or the commissioner."

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 7. BANKING AND SECURITIES
Part VII. State Securities Board
 7 TAC §§139.3 (065.20.00.003) 1788

TITLE 31. NATURAL RESOURCES AND CONSERVATION
Part II. Texas Parks and Wildlife Department
 31 TAC §65.62 (127.70.01.361) 1794

TITLE 34. PUBLIC FINANCE
Part VII. State Property Tax Board
 34 TAC §§163.1-163.3 (237.06.00.001-.003) 1789

TITLE 37. PUBLIC SAFETY AND CORRECTIONS
Part I. Texas Department of Public Safety
 37 TAC §§15.34, 15.36 (201.08.02.014, .016) 1795
 37 TAC §§15.53, 15.54, 15.58
 (201.08.03.003, .004, .008) 1796
 37 TAC §§23.5, 23.7, 23.14
 (201.12.01.005, .007, .014) 1797
 37 TAC §23.25 (201.12.02.005) 1797
 37 TAC §§23.51, 23.52 (201.12.04.001, .002) 1798
 37 TAC §§23.73, 23.74 (201.12.06.003, .004) 1798
 37 TAC §29.5 (201.15.00.005) 1798

Part III. Texas Youth Council
 37 TAC §83.21 (203.02.03.001) 1790
 37 TAC §83.31 (203.02.04.001) 1791
 37 TAC §83.41 (203.02.05.001) 1791
 37 TAC §83.51 (203.02.06.001) 1791
 37 TAC §83.61 (203.02.07.001) 1791
 37 TAC §§83.81-83.85 (203.02.09.001-.005) 1791
 37 TAC §85.1 (203.05.01.001) 1792
 37 TAC §§87.14-87.18 (203.10.02.004-.008) 1792

Table of TAC Titles

TITLE 1. ADMINISTRATION
 TITLE 4. AGRICULTURE
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 TITLE 40. SOCIAL SERVICES AND ASSISTANCE
 TITLE 43. TRANSPORTATION