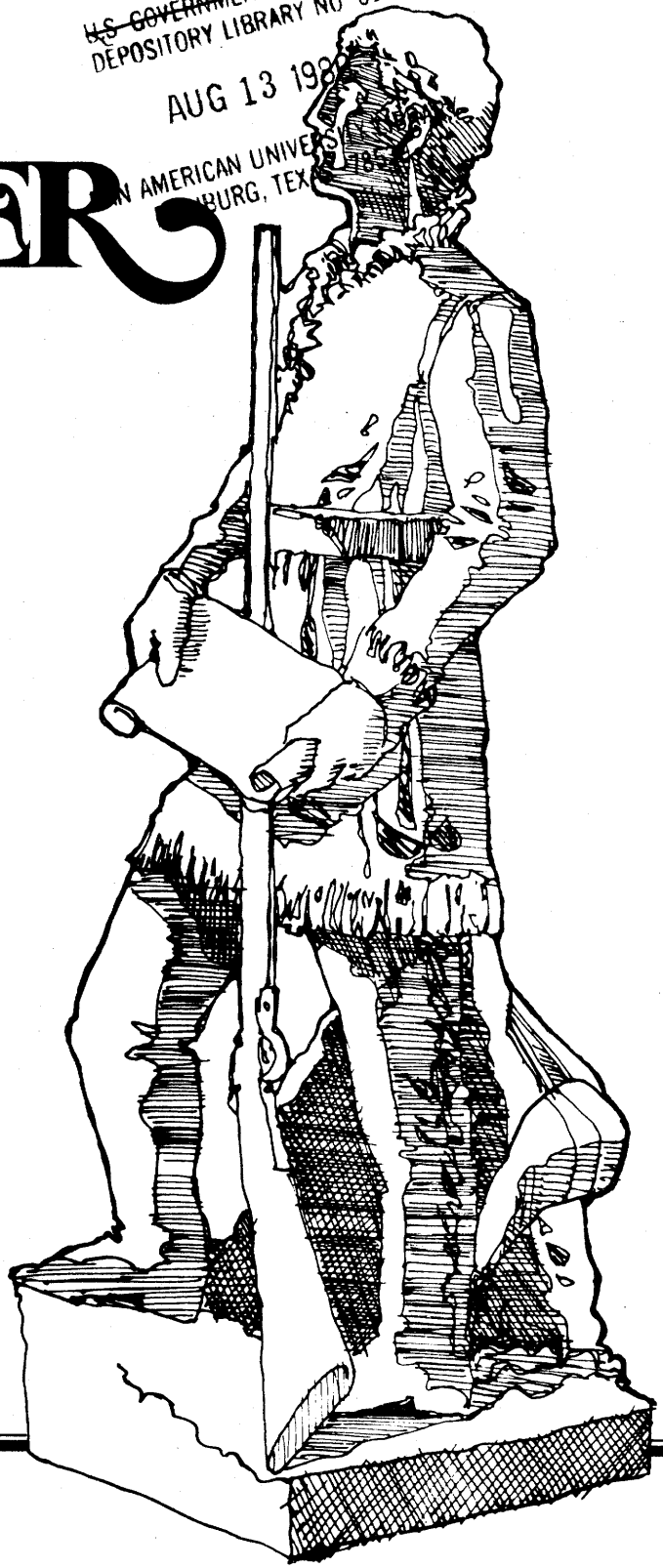


# TEXAS REGISTER

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BURG, TEXAS



### In This Issue...

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

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

- 1 is the title (agencies grouped together by subject title which are arranged alphabetically)
- TAC is the *Texas Administrative Code*
- §27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 2, May 80

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**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 Lisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

# TEXAS REGISTER



*George W. Strake, Jr.*  
Secretary of State

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## Attorney General

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- 3168 *RQ-390 (concerning the purchase by local units of government of nonassessable insurance from legal reserve mutual life insurance companies)*
- 3168 *RQ-391 (concerning 17 questions posed by the Senate Committee on Human Resources relating to the rulemaking authority of the Board of Medical Examiners, the use of standing orders by physicians, the regulation of nursing, and the providing of prescriptions)*
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- 3169 *RQ-397 (concerning whether the Crippled Children's Division may make payments to tax supported entities for the treatment of crippled children)*
- 3169 *RQ-398 (concerning whether a mayor may reappoint a city marshal under Article 995, Vernon's Texas Civil Statutes, who has previously been removed by the city council)*
- 3169 *RQ-399 (concerning whether the Mentally Retarded Persons Act of 1977, or any other statutory, constitutional, or common law, require legally adequate consent for the performance of a comprehensive diagnosis and evaluation)*
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Article 4399; Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

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

## Requests for Opinions

### Summary of Request for Opinion RQ-353A

Request from Neal Pfeiffer, criminal district attorney, Bastrop County, to be added to Ben Z. Grant's request (RQ 353) dated May 30, 1980.

**Summary of Request:** What is the authority of a school district to grant a homestead exemption when a timely claim is not made?

Doc. No. 805893

### Summary of Request for Opinion RQ-390

Request from Tom Creighton, chairman, Economic Development Committee, Texas Senate.

**Summary of Request:** May local units of government purchase nonassessable insurance from legal reserve mutual life insurance companies doing business in Texas under the provisions comparable with Chapter II of the Texas Insurance Code?

Doc. No. 805894

### Summary of Request for Opinion RQ-391

Request from Chet Brooks, chairman, Committee on Human Resources, Texas Senate.

**Summary of Request:** The Senate Committee on Human Resources has posed 17 questions relating to the rulemaking authority of the Board of Medical Examiners, the use of standing orders by physicians, the regulation of nursing, and the providing of prescriptions.

Doc. No. 805895

### Summary of Request for Opinion RQ-392

Request from John P. Parsons, commissioner, Credit Union Department, Austin.

**Summary of Request:** Specifically, we request whether pursuant to Article 2461-4.03, we may issue a regulation

authorizing state chartered credit unions to charge the rate authorized in Section 310 of Public Law 96-221, the Depository Institutions Deregulation and Monetary Control Act of 1980?

Doc. No. 805896

### Summary of Request for Opinion RQ-393

Request from John P. Parsons, commissioner, Credit Union Department, Austin.

#### **Summary of Request:**

(1) May a credit union chartered by the State of Texas obtain a license to operate as a regulated lender under the Texas Credit Code pursuant to Article 5069-3.04, Vernon's Texas Civil Statutes, and write loans as permitted under Chapters 3 and 4 of the Texas Credit Code?

If the above question is answered in the affirmative, we request that you answer the following question:

(2) If the credit union is licensed pursuant to Article 5069-3.04, Vernon's Texas Civil Statutes, may that credit union charge interest at the rates prescribed in Chapters 3 and 4 of the Texas Credit Code, or is such credit union restricted to the rates set forth in the Texas Credit Union Act, Article 2461-7.01, Vernon's Texas Civil Statutes?

Doc. No. 805897

### Summary of Request for Opinion RQ-394

Request from H. P. Wright, city attorney, Port Neches.

**Summary of Request:** Is the amount of a gift to a city public when the donor has requested that it not be revealed?

Doc. No. 805898

### Summary of Request for Opinion RQ-395

Request from Brent Burford, assistant city attorney, Irving.

**Summary of Request:** Is an employee's personnel file open under the Texas Open Records Act when the employee has suffered an injury and is pursuing a worker's compensation claim?

Doc. No. 805899

### Summary of Request for Opinion RQ-396

Request from Willie L. Scott, adjutant general, TexARNG, Austin.

**Summary of Request:** May the pay of a teacher be docked to cover the cost of a substitute when he is absent from classroom due to his performance of military duty for the National Guard or other reserve component of the United States Armed Forces?

Doc. No. 805900

### Summary of Request for Opinion RQ-397

Request from Henry Wade, district attorney, Dallas.

#### Summary of Request:

(1) May the Crippled Children's Division make payments to tax supported entities for the treatment of crippled children?

If the answer to the above question is in the affirmative:

(2) May the Crippled Children's Division make payments to Parkland Memorial Hospital for the treatment of crippled children?

Doc. No. 805901

### Summary of Request for Opinion RQ-398

Request from Dan M. Boulware, county attorney, Johnson County.

#### Summary of Request:

(1) May a mayor reappoint a city marshal under Article 995, Vernon's Texas Civil Statutes, who had previously been removed by the city council?

(2) Is there still a vacancy in office after the mayor has attempted to fill it under Article 995?

(3) May a person who is not a resident of the city be appointed city marshal?

(4) Must the city marshal or person appointed as a peace officer be certified as a law enforcement officer?

Doc. No. 805902

### Summary of Request for Opinion RQ-399

Request from John J. Kavanagh, M.D., commissioner, Texas Department of Mental Health and Mental Retardation, Austin.

#### Summary of Request:

(1) Does the Mentally Retarded Persons Act of 1977, Article 5547-300, Vernon's Texas Civil Statutes, or any other statutory, constitutional or common-law, require legally adequate consent for the performance of a comprehensive diagnosis and evaluation?

(2) With regard to the admission of a person to nonresidential mental retardation services, such as, but not limited to, a sheltered workshop program:

(A) Must a comprehensive diagnosis and evaluation of such person be performed before the person may be admitted to such services?

(B) Does the Mentally Retarded Persons Act of 1977, Article 5547-300, Vernon's Texas Civil Statutes, or any other statutory, constitutional or common law, require legally adequate consent for admission to such services?

(C) If you answer the preceding question in the affirmative and if the facility's personnel have determined, based on observation and testing, that an adult proposed client who has never been judicially declared incompetent and has no

guardian does not possess the mental capacity to give legally adequate consent for admission to such services.

(i) Must the mental retardation services be denied to the proposed client?

(ii) If the mental retardation services must be denied, does the proposed client have a property right protected by the 14th Amendment to the U.S. Constitution similar to the one recognized in *Java v. California Department of Human Resources Development*, 317 Federal Supplement 875 (District Court of California 1970), affirmed 402 United States 121, 91 Supreme Court 1347, 28 Lawyer's Edition, Supreme Court Reports 2d 666? If your answer is in the affirmative, to what process is the proposed client entitled and who must provide that process?

(3) With regard to the discharge of a client from nonresidential mental retardation services, such as, but not limited to, a sheltered workshop program, if the facility's personnel have determined, based on observation and testing, that an adult client who has never been judicially declared incompetent and has no guardian does not possess the mental capacity to give legally adequate consent for the provision of such services:

(A) Must the client be discharged from such services?

(B) If the client must be discharged from such services, does the client have a property right protected by the 14th Amendment to the United States Constitution similar to the one recognized in *Java v. California Department of Human Resources Development*, 317 Federal Supplement 875 (District Court of California 1970), affirmed 402 United States 121, 91 Supreme Court 1347, 28 Lawyer's Edition, Supreme Court Reports 2d 666? If your answer is in the affirmative, does Subchapter I of the Mentally Retarded Persons Act of 1977, Article 5547-300, Vernon's Texas Civil Statutes, provide adequate due process protection for the client?

(C) Does the facility have any duty to initiate a guardianship proceeding to determine whether the client should be legally adjudicated incompetent and whether a guardian should be appointed for the client?

Doc. No. 805927

### Summary of Request for Opinion RQ-400

Request from Ron Bird, chairman, Committee on Judicial Affairs, house of representatives, Austin.

**Summary of Request:** Are sick leave and vacation leave benefits "Wage Continuation Programs of any Employer" as contemplated in the Crime Victims Compensation Act [Article 8309-1, Section 3(3)(F)]? If not, then are sick leave and vacation leave used compensable under Article 8309-1, Section 3(7)(A)(ii)?

Issued in Austin, Texas, on July 31, 1980.

Doc. No. 805928 C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

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

# ADOPTED RULES

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 "Non-codified."

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## CODIFIED

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### TITLE 13. CULTURAL RESOURCES

#### Part I. Texas State Library and Archives Commission

##### Chapter 1. Library Development

##### LSCA Annual Program and Long-Range Plan

The Texas State Library adopts by reference the amendment to the 1980 LSCA Annual Program, §1.21 (351.20.02.001), which adds a new project to the Title III program titled Interlibrary Loan and Reference Network

The amendment is adopted under the authority of Article 5436a, Vernon's Annotated Civil Statutes.

§1.21 (351.20.02.001) *Adoption by Reference.* The Texas State Library adopts by reference all rules contained in the LSCA Annual Program 1980 and Long-Range Plan 1980-1984, as amended in July 1980. Copies may be obtained from the Library Development Department of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Doc No. 805929

The Texas State Library adopts by reference the amendments to the LSCA Annual Program 1981 and Long-Range Plan 1981-1985, §1.21 (351.20.02.001), which establishes the general criteria used in making application for grants, determining recipients for grants, and following up on the utilization of grants

The amendments are adopted under the authority of Article 5436a, Vernon's Annotated Civil Statutes.

§1.21 (351.20.02.001). *Adoption by Reference.* The Texas State Library adopts by reference all rules contained in the LSCA Annual Program 1981 and Long-Range Plan 1981-1985, as amended in October 1980. Copies may be obtained from the Library Development Department of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on July 31, 1980.

Doc. No. 805930 William D. Gooch  
Assistant State Librarian  
Texas State Library and Archives  
Commission

Effective Date: August 22, 1980

Proposal Publication Date: July 8, 1980

For further information, please call (512) 475-4119.




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## NONCODIFIED

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### Texas Department of Human Resources

#### Food Stamps

#### Fraud Disqualification 326.15.73

The Department of Human Resources adopts the following amendments to rules about administrative fraud hearings in the Food Stamp Program. These amendments are required as a result of federal regulations issued by the United States Department of Agriculture (USDA) to be effective June 1, 1980. These amendments clarify when the department should initiate administrative fraud hearings.

These amendments are adopted under the authority of the Human Resources Code, Title 2, pursuant to federal requirements to be effective June 1, 1980.

##### .007. *Administrative Fraud Hearings.*

(a) An administrative fraud hearing should be initiated by DHR in cases in which DHR has sufficient documentary evidence to substantiate that an individual has committed

fraud as defined in department rules. Such cases may include those in which the department believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system. Other cases may be those previously referred for prosecution but for which prosecution was declined by the appropriate legal authority.

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

Doc. No. 805935

## Civil Rights

### Administrative Fraud Disqualification Hearings 326.74.41

The Department of Human Resources adopts the following amendments to rules about administrative fraud hearings. These amendments are required as a result of federal regulations issued by the United States Department of Agriculture (USDA) to be effective June 1, 1980. These amendments clarify when the department should conduct administrative fraud hearings.

These amendments are adopted under the authority of the Human Resources Code, Title 2, pursuant to federal requirements to be effective June 1, 1980.

#### .002. *Requirement for Administrative Fraud Hearing.*

(a) (No change.)

(b) An administrative fraud hearing should be initiated by DHR in cases in which DHR has sufficient documentary evidence to substantiate that an individual has committed fraud as defined in department rules. Such cases may include those in which the department believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system. Other cases may be those previously referred for prosecution but for which prosecution was declined by the appropriate legal authority. Fraud hearings will not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of ineligible items that have been purchased with food stamps is under \$35.

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

Doc. No. 805936      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: June 1, 1980

Proposal Publication Date: N/A

For further information, please call (512) 441-3355.

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 Corrections

**Sunday, August 10, 1980, 9:30 a.m.** The board members of the Texas Department of Corrections will meet in Room 103 of the Administration Building, 815 11th Street, Huntsville, to discuss the proposed budget for fiscal years 1982-83.

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

Filed: August 1, 1980, 2:32 p.m.  
Doc. No. 805972

## State Board of Registration for Professional Engineers

**Tuesday, August 5, 1980, 10:30 a.m.** The State Board of Registration for Professional Engineers met at 1917 IH 35 South, Austin. According to the agenda summary, the board met in emergency executive session with representatives of the attorney general's office to discuss possible litigation. The board met on an emergency basis on less than seven days' notice because it was the only possible time for the group to get together.

Information may be obtained from Donald C. Klein, 1917 IH 35 South, Austin, (512) 475-3141.

Filed: August 1, 1980, 9:43 a.m.  
Doc. No. 805932

## Office of the Governor

**Thursday, August 7, 1980, 9 a.m.** The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor, made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 17th and Congress, Austin. The addition concerned consideration of action grant applications and was submitted on an emergency basis because a grant application (Sequence Number 7067) from

Hidalgo County entitled South Texas Regional Facility, Phase II, was inadvertently omitted from the summary listing and digests.

Information may be obtained from Willis Whatley, 411 West 13th, Austin, Texas 78701, (512) 475-6065.

Filed: August 1, 1980, 8:20 a.m.  
Doc. No. 805917

**Friday, August 8, 1980, 9 a.m.** The Criminal Justice Division of the Office of the Governor, has made an emergency addition to the agenda of a meeting to be held in Room 118 of the Stephen F. Austin Building, 17th and Congress, Austin. The addition concerns consideration of action grant applications and is submitted on an emergency basis because a grant application (Sequence Number 7067) from Hidalgo County entitled South Texas Regional Facility, Phase II, was inadvertently omitted from the summary listing and digests.

Information may be obtained from Willis Whatley, 411 West 13th, Austin, Texas 78701, (512) 475-6065.

Filed: August 1, 1980, 2:12 p.m.  
Doc. No. 805973

## Texas Department of Health

**Friday, August 1, 1980, 9:30 a.m.** The board members of the Texas Department of Health made an emergency addition to the agenda of a meeting held in Room T-607, 1100 West 49th Street, Austin. According to the agenda summary, the board considered a board resolution covering the loss of Federal Health Incentive Funds. This was added to the agenda as an emergency item because a portion of the funds provided to local health departments throughout the state from federal incentive funds amounts to approximately \$3.3 million, and possible loss of these funds to the local health departments would have a severe impact on them. Therefore, the purpose of this resolution was to request the congressional members from Texas to support the continued functioning of these Health Incentive Funds for health services at the current level. Since this loss could occur prior to the September meeting of the board, it was of urgent and public necessity that the board consider this resolution at the August 1, 1980, meeting. The local health directors were not notified of the possible loss and were not able to get together to request this board resolution in time for the normal seven day posting period.

Information may be obtained from Joe Klinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7487.

Filed: July 31, 1980, 4:41 p.m.  
Doc. No. 805915

## Texas Health Facilities Commission

**Friday, August 15, 1980, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:



**Certificate of Need**

Baptist Memorials Geriatric Center, San Angelo

AN80-0319-023

Memorial Medical Center, Corpus Christi

AH80-0320-003

Baylor University Medical Center, Dallas

AH79-1119-023

Community Health Clinic, Benavides

AO79-1231-042;

Zapata Dental Facilities, Zapata

AO79-1231-046

Zapata Family Clinic, Zapata

AO79-1231-048

Memorial Hospital of Galveston County, Texas City

AH80-0501-025

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

Filed: August 1, 1980, 11:15 a.m.

Doc No. 805937

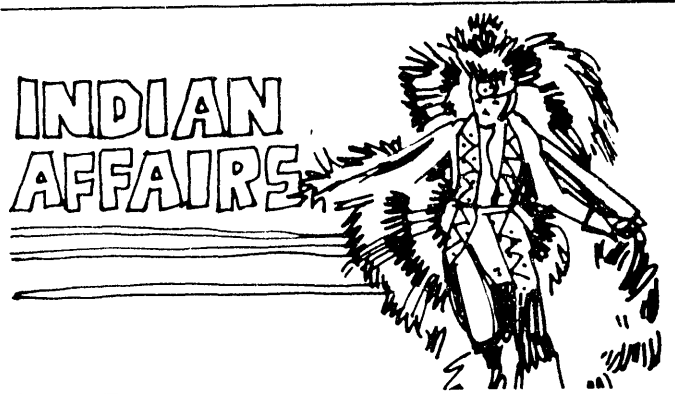
## Texas Department of Human Resources

**Thursday, August 14, 1980, 1 p.m.** The Research Review Committee of the Texas Department of Human Resources will meet in Room 1B1 of the Annex Building, 706 Banister Lane, Austin. According to the agenda summary, the committee will consider the AFDC Food Stamp Consolidation Project, Alien Eligibility Review Project, Long Term Care System Development Project, and Long Term Channeling Project.

Information may be obtained from Gayle Owens, P.O. Box 2960, Austin, Texas, (512) 441-3355

Filed August 4, 1980, 10:15 a.m.

Doc No 805987



## Texas Indian Commission

**Monday, August 25, 1980, 7 p.m.** The Texas Indian Commission will meet at the Tigua Indian Reservation Community Center. The commission will consider reports from the Alabama Coushatta Indian Reservation, Tigua Indian Reservation, and the Texas Indian Commission

Information may be obtained from Walt Broemer P.O. Box 510, Livingston, Texas 77351, (713) 327-3683.

Filed: July 31, 1980, 3:54 p.m.

Doc. No. 805914

## State Board of Insurance

**Tuesday, August 5, 1980, 9 a.m.** The Commissioner's Hearing Section of the State Board of Insurance held an emergency hearing in Room 342, 1110 San Jacinto, Austin. According to the agenda, the emergency public hearing concerned Docket 6003—Superior Title Company, Incorporated, Houston, notice of disciplinary action—furnishing an audit report which revealed a shortage or other irregularity or a practice not in keeping with sound, honest business practices. The hearing was continued from June 4, 1980, and held on an emergency basis to protect the financial condition of the public and the company.

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

Filed: August 4, 1980, 10:56 a.m.

Doc. No. 805991

## Texas Board of Irrigators

**Thursday, August 14, 1980, 9:30 a.m.** The Texas Board of Irrigators will meet in Room 513, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the board will discuss/approve minutes of its May 2, 1980, meeting; means of enforcing its rules requiring licensed irrigators to obtain seals, formulation of the licensed installer examination; its fiscal year 1981 budget; increasing licensees' annual renewal fees, whether to extend reciprocity registration privileges to California licenses; its examination grading procedure; examination results and eligibility to register Robert Edwards and Guy Monek; and the chairman's report.

Information may be obtained from Joyce Watson, P.O. Box 12337, Austin, Texas 78711, (512) 475-8161.

Filed: July 31, 1980, 2:45 p.m.

Doc No. 805910

## Texas Commission on Jail Standards

**Friday, August 15, 1980, 8:30 a.m.** The Texas Commission on Jail Standards will meet in Suite 206 of the Law Center 1414 Colorado, Austin. According to the agenda summary, the commission will read—minutes of the last regular commission meeting, the director's report, inspection reports, and letters of noncompliance, consider—status of construction/renovations, sheriff's conference, Legislative Budget Board hearings, and Senate Bill 10, discuss—old business concerning Jefferson County, Martin, Mason, Morris, Motley, Travis, Wharton, Dallas, Duval tabled variances, proposed amendments to Rules 217.05.03.044, 217.07.02.043, 217.08.02.014; 217.18.00.001; 217.12.00.001, and new busi-

ness concerning proposed amendments to Rules 217.05.02.073; 217.05.03.068, 217.05.04.062; 217.07.01.072; 217.07.02.067; 217.07.03.061.

Information may be obtained from Robert O. Viterna, 1414 Colorado, Suite 500, Austin, Texas, (512) 475-2716.

Filed August 1, 1980, 9:49 a.m.  
Doc No 805934

## Texas Board of Land Surveying

**Monday-Wednesday, August 18-20, 1980, 8 a.m. daily.** The Texas Board of Land Surveying will meet in Parlor A and Ballroom of the Sheraton Crest Inn, 111 East 1st Street, Austin. The board will conduct examinations; review new applications; reconsider old applications; review the board's correspondence, and hold interviews.

Information may be obtained from the Texas Board of Land Surveying, 5555 North Lamar, H-109, Austin, Texas, telephone (512) 452-9427.

Filed July 31, 1980, 3:57 p.m.  
Doc No 805912

## State Board of Morticians

**Tuesday, August 12, 1980, 9 a.m.** The State Board of Morticians will meet at 1513 IH 35 South, Austin. According to the summarized agenda, the board will conduct a formal hearing regarding the actions of a licensee. The board will also consider applicants for reciprocal licenses, hear attorney's opinion on reciprocity requirements and request for opening chapel, consider request from two persons who passed examinations more than six months ago and now desire to make application to serve apprenticeship, three apprentices' request for consideration of their apprenticeships, applicant for reinstatement, examination committee report on September 1980 exams, subcommittees reports, complaints, and election of officers.

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

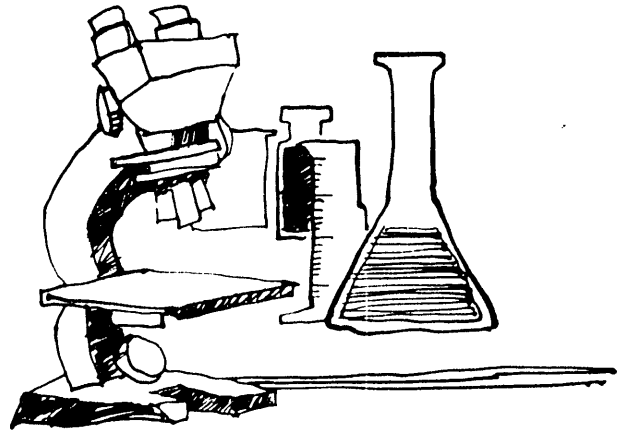
Filed August 1, 1980, 2:04 p.m.  
Doc. No 805974

## Texas State Board of Pharmacy

**Tuesday, August 12, 1980, 10 a.m.-5 p.m.** The Texas State Board of Pharmacy will meet in Suite 1221, Southwest Tower, 211 East 7th Street, Austin. The board will meet to discuss the review of College of Pharmacy internship programs; review of Board Practical Experience requirements; request of Sharon Glowach, NABPLEX review, degree requirements review, and old and new business.

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

Filed August 1, 1980, 2:05 p.m.  
Doc No 805975



## Texas State Board of Public Accountancy

**Friday, August 1, 1980, 9 a.m.** The Texas State Board of Public Accountancy rescheduled an emergency meeting held in Suite 500, 3301 Northland Drive, Austin. According to the agenda summary, the rescheduling involved a hearing previously set for 2 p.m. July 31, 1980, concerning Vesper Armstrong, Jr. Urgent public need required this meeting on an emergency basis.

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

Filed July 31, 1980, 4:49 p.m.  
Doc No. 805916

## Public Utility Commission of Texas

**Tuesday, September 9, 1980, 10 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 division will conduct a hearing in Dockets 3272, 3273, and 3274 - applications of Bulverde Utility Company, doing business as Mobil City Estates Water Works, Leon Springs Water Distribution System, and Bulverde Hills Water Distribution System for rate increases within Bexar and Comal Counties.

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

Filed August 4, 1980, 10:15 a.m.  
Doc No 805985

## Railroad Commission of Texas

**Monday, August 4, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned con-

sideration of Dockets 9-75167A78 and 83,526A73. These items were properly noticed for the meeting of July 28, 1980, and were passed at that meeting. Consideration on less than seven days' notice was required as a matter of urgent public necessity.

Information may be obtained from William F. Black, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1282.

Filed: August 1, 1980, 11:54 a.m.  
Doc. No. 805940

**Monday, August 4, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerned consideration of Dockets 7C-75392A88, 8-75238A82, 85663A73, 85671A73, 85672A7, 85673A73, 85674A73, 85676A73, 85677A73, 85678A73. These items were properly noticed for the meeting of July 28, 1980, and were passed at that meeting. Consideration on less than seven days' notice was required as a matter of urgent public necessity.

Information may be obtained from Skipper Lay, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1282.

Filed: August 1, 1980, 11:54 a.m.  
Doc. No. 805939

**Monday, August 11, 1980, 9 a.m.** The Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin. 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 §§2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas (512) 445-1186.

Filed August 1, 1980, 11:53 a.m.  
Doc. No. 805946

**Monday, August 11, 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 summary, the division will consider Gas Utilities Dockets 2595, 2088, 2559, and the director's report.

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

Filed August 11, 1980, 11:56 a.m.  
Doc. No. 805941

**Monday, August 11, 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.

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

Filed: August 1, 1980, 11:55 a.m.  
Doc. No. 805942

**Monday, August 11, 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.

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

Filed: August 1, 1980, 11:55 a.m.  
Doc. No. 805944

**Monday, August 11, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas is making an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH-35, Austin. The addition concerns Docket 84, 986A763—Boling Production Company, Inc., Rule 37 Exception, Wildcat Field, Wharton County.

Information may be obtained from William E. Black, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1281.

Filed: August 1, 1980, 11:53 a.m.  
Doc. No. 805945

**Monday, August 11, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. According to the summarized agenda, the addition concerns consideration of category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

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

Filed August 1, 1980, 11:56 a.m.  
Doc. No. 805943

**Monday, August 11, 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.

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

Filed: August 1, 1980, 11:55 a.m.  
Doc. No. 805947

## Texas Real Estate Commission

**Monday, August 11, 1980, 9:30 a.m.** The Texas Real Estate Commission will meet in Room 119 of the Stephen F. Austin Building, 17th at Congress, Austin. The commission will consider the following: minutes of the June 23 and July 14, 1980, commission meetings; review draft rule proposals; hear staff reports for the month of June 1980; consider education and school matters; establish filing fees and license renewal ap-

plications; discuss budget request for next biennium; consider the NARELLO pamphlet; use thereof; executive session to discuss pending litigation. After discussion of the above items, the board will recess and reconvene at 1 p.m. to conduct a hearing concerning Universal Real Estate College, Inc.

Information may be obtained from Camilla S. Shannon, P.O. Box 14188, Austin, Texas 78711, (512) 475 4250.

Filed July 31, 1980, 3 56 p.m.  
Doc. No. 805913



## Office of the Secretary of State

**Friday, August 15, 1980, 10 a.m.** The Voting Machine Examiners Panel of the Office of the Secretary of State will meet in Room 915, Sam Houston Building, Austin. The panel will conduct a public hearing and examination of the presentation of an electronic voting device, manufactured by Automatic Voting Machine Corporation. This device is known as AVMC Model EC 80, a "mark sense" voting tabulation system.

Information may be obtained from Milton Mallory, 915 Sam Houston Building, Austin, Texas 78711, (512) 475 3091.

Filed August 1, 1980, 9 59 a.m.  
Doc. No. 805931

## Board of Tax Assessor Examiners

**Tuesday, August 19, 1980, 1 p.m.** The Board of Tax Assessor Examiners will meet in the Shamrock Hilton Hotel, 6901 Main at Holcombe, Houston. According to the agenda, the board will hear announcements, minutes, and a protest from David McCullough; approve persons passing RPA requirements; discuss reinstatement procedures of previously revoked applicants; consider the director's reports; and meet in executive session.

Information may be obtained from Ben H. Tow, 9501 North IH 35, Austin, Texas, (512) 837 9860 or 1 (800) 252 9304.

Filed July 31, 1980, 3 18 p.m.  
Doc. No. 805911

## Teacher Retirement System of Texas

**Friday, August 15, 1980, 10 a.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet at 1001 Trinity, Austin. The board will consider the following items: extension of contract for actuary; operating budget for fiscal year ending August 31, 1980; estimate of state's contribution of 8.5 % for 1980-81 fiscal year; transfer of funds from interest account to expense account; election of board officers.

Information may be obtained from Shari Cooper, 1001 Trinity, Austin, Texas 78701, (512) 477 9711, ext. 201.

Filed August 4, 1980, 11 46 a.m.  
Doc. No. 805993

## Texas Southern University

**Thursday and Friday, August 14 and 15, 1980.** The following committees and boards of Texas Southern University will meet on Texas Southern University campus, 3201 Wheeler Avenue, Houston at the times listed below:

**August 14, 9:30 a.m.** The Finance Committee of the Board of Regents will meet in HH 117 to consider monthly financial reports from the administration.

**August 14, 9:30 a.m.** The Building and Grounds Committee of the Board of Regents will meet in HH 121 to approve contracts for payment, acquisition of real estate, and awarding of contracts.

**August 14, 11 a.m.** The Faculty and Curriculum Committee of the Board of Regents will meet in HH 117 for a routine meeting to receive enrollment and curricula data from the administration.

**August 15, 10 a.m.** The Board of Regents will meet in Student Life Center 203 (conference room) to consider fiscal and curriculum reports from the administration and approve of short term investments as recommended by the Finance Committee.

Information may be obtained from Everett O. Bell, Texas Southern University, 3201 Wheeler Avenue, Houston, Texas, (713) 529-8911.

Filed July 31, 1980, 1 52 p.m.  
Doc. Nos. 805905-805908

## Texas Water Commission

**Monday, August 11, 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 bond issues; release from escrow, surplus funds; change order, change in plans, water quality permits, amendments, renewals, voluntary cancellation of water quality permits, final decisions on applications, amendment to certificate of adjudication, amendment to water rights permit, extension of time, approval of construction plans and specifications, water rate controversy, fire department plan, and filing and setting of hearing dates of applications.

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

Filed: July 31, 1980, 1:59 p.m.  
Doc No. 805909

**Monday, August 11, 1980, 10 a.m.** The Texas Water Commission has made an addition to a meeting to be held at 1700 North Congress Avenue, Stephen F. Austin Building, Austin. According to the agenda summary, the commission will consider an application by Otis Engineering Corporation for a permit to authorize a discharge of 20,000 gallons per day of treated domestic sewer effluent in Harris County.

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

Filed: August 1, 1980, 3:46 p.m.  
Doc No. 805976

**Tuesday, August 26, 1980, 9:30 a.m.** The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application TA 3805 submitted by Abilene Paving Company, Inc. for a temporary permit to divert and use 10 acre feet of water for a two year period from Salt Creek, Pecan Bayou, Colorado River, Colorado River Basin, for industrial (highway construction) purposes in Brown County.

Application TA 3803 submitted by Allan Construction Company for a temporary permit to divert and use nine acre feet of water for a two year period from a reservoir on unnamed tributary of Shinoak Branch, Sabana River, Leon River, Little River, Brazos River, Brazos River Basin, for industrial (highway construction) purposes in Eastland County.

Application TA 3799 submitted by R. H. House, Inc. for a temporary permit to divert and use 13 acre feet of water for a two year period from Guadalupe River, Guadalupe River Basin, for industrial (highway construction) purposes in Comal County.

Application TA 3787 submitted by R. B. Butler, Inc. for a temporary permit to divert and use two acre feet of water for a two year period from unnamed tributary of Caney Creek, Bedias Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Madison County.

Application TA 3786 submitted by Titus Constructin Company for a temporary permit to divert and use three acre feet of water for a 2 1/2 year period from unnamed tributary of Brutons Creek, Ellison Creek, Big Cypress Creek, Cypress Basin, for industrial (highway construction) purposes in Morris County.

Application TA 3800 submitted by William Joe Mumme, doing business as Sunbelt Gravel, for a temporary permit to divert and use 45 acre feet of water for a three year period from Hordo Creek, Frio River, Atascosa River, Nueces River, Nueces River Basin, for mining (sand and gravel operation) purposes in Medina County.

Application TA 3790 submitted by Sunoco Terminal, Inc. for a temporary permit to divert and use 110 acre feet of water for a three year period from Neches River, Neches River Basin, for industrial (hydrostatic testing) purposes in Jefferson County.

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

Filed: July 31, 1980, 1:59 p.m.  
Doc Nos 805919-805925

**Tuesday, August 26, 1980, 9:30 a.m.** The Texas Water Commission will meet in Room 124A of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission has rescheduled the following hearings to the above time:

Application TA 3781 submitted by Gardner B.H. Constructors for a temporary permit to divert and use 30 acre feet of water for a 30-month period from West Fork San Jacinto River, San Jacinto River, San Jacinto River Basin, for industrial (highway construction) purposes in Harris County.

Application TA 3776 submitted by L.W.R. Construction Company, Inc. for a temporary permit to divert and use three acre feet of water for a three year period from Pecan Creek and Slick Rock Creek, Colorado River, Colorado River Basin, for industrial (highway construction) purposes in Llano County.

Application TA 3775 submitted by McKnight Construction Company for a temporary permit to divert and use two acre feet of water for a two year period from Crooked Creek, Mill Creek, Sabine River, Sabine River Basin, for industrial (highway construction) purposes in VanZandt County.

Application TA 3774 submitted by Western Pavers, Inc. for a temporary permit to divert and use 32 acre feet of water for a one year period from Spence Reservoir on Colorado River, Colorado River Basin, for industrial (highway construction) purposes in Coke County.

Application TA 3767 submitted by H. B. Zachry Company for a temporary permit to divert and use 28 acre feet of water for a two year period from an unnamed tributary of Walnut Creek, Mary's Creek, Clear Fork Trinity River, West Fork Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Tarrant County.

Application TA 3765 submitted by R. B. Butler, Inc. for a temporary permit to divert and use two acre feet of water for a three year period from Wellisons Creek, Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Houston County.

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

Filed: August 4, 1980, 9:15 a.m.  
Doc. Nos 805978-805983

## Regional Agencies

### Meetings Filed August 1, 1980

**The East Texas Council of Governments, Executive Committee,** met at the Stoneridge Plaza Office Building, 3800 Stone Road, Kilgore, on August 7, 1980, at 7 p.m. Information may be obtained from Kent A. Myers, 3800 Stone Road, Kilgore, Texas 75662, (214) 984 8641

**The Education Service Center, Region I,** Board of Directors, will meet at the Center Building, 1900 West Schunior, Edinburg, on August 12, 1980, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611, ext 110.

**The Houston-Galveston Area Council,** Local Government Forum will meet at Annex I, 3701 West Alabama, Houston, on August 13, 1980, at 9:30 a.m. and 1:30 p.m. Information may be obtained from Jack Steele, 3701 West Alabama, Houston, Texas 77027, (713) 627 3200.

Doc. No 805933

### Meetings Filed August 4, 1980

**The Education Service Center, Region III,** Board of Directors, will meet at Totah's Restaurant, Houston Highway, Victoria, on August 11, 1980, at 11:30 a.m. The Joint Committee will meet at 1905 Leary Lane, Victoria, on the same day at 2 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas, (512) 575 1471

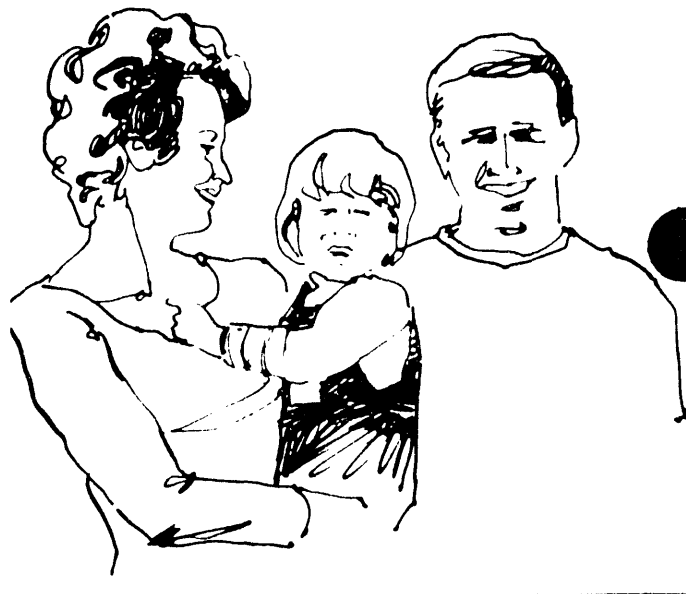
**The MH/MR Regional Center of East Texas,** Board of Trustees, will meet in the board room, 2323 West Front Street, Tyler, on August 14, 1980, at noon. Information may be obtained from Richard J. DeSanto, P.O. Box 4359, Tyler, Texas 75701, (214) 597 1351

**The Trinity River Authority of Texas,** Executive Committee, will meet in the executive conference room at the TRA's General Office, 5300 South Collins, Arlington, on August 11,

1980, at 10 a.m. Information may be obtained from Geri Elliot, P.O. Box 60, Arlington, Texas 76010, (817) 476 4343

**The Tri-Region Health Systems Agency,** West Central Texas Cardiovascular and Maternal and Child Health Task Forces, will meet at 2642 Post Oak Road, Abilene, on August 13, 1980, at 7 p.m. The Nortex Subarea Advisory Council will meet in Room 500, Memorial Auditorium, 1300 7th Street, Wichita Falls, on August 14, 1980, at 7 p.m. The West Central Texas Subarea Advisory Council will meet at the West Central Texas Council of Governments, 1025 North 10th Street, Abilene, on the same day at the same time. Information may be obtained from Susan Bennet, Angel Rivera, and Bob Caras, respectively, 2642 Post Oak Road, Abilene, Texas 79605, (915) 698 9481

Doc No. 805986



## Texas Energy and Natural Resources Advisory Council

### Notice of Hearing

The Solar Advisory Committee of the Texas Energy and Natural Resources Advisory Council, chaired by Railroad Commissioner Mack Wallace, will hold a statewide public hearing on Thursday, August 21, 1980, at the Joe C. Thompson Center on the campus of the University of Texas at Austin. The mission of the committee is to develop a comprehensive statement of the appropriate role of the State of Texas in supporting research, development, demonstration, commercialization, and information dissemination activities related to solar and wind.

Comments and testimony are invited from concerned individuals and organizations on the draft text and recommendations of the Solar Advisory Committee to TENRAC. The proposed recommendations are attached. Additional copies are available from the Texas Energy and Natural Resources Advisory Council upon request.

Advanced notification of intent to speak is desirable and may be used to request a particular time of day. Please notify at least two days prior to hearing John Carlson, TENRAC, 411 West 13th Street, Suite 804, Austin, Texas 78701, telephone (512) 475-5407. Speakers without advance notification will be accepted on a first come, time available basis.

Each speaker will be allotted 10 minutes to present testimony, to be followed by questions from the committee. Submission of written material is encouraged without limit. Each submission should contain the name, address, and telephone number of someone who can answer questions about the material. Written material is also invited from interested parties who cannot be present at the hearing.

The public hearing will be held on Thursday, August 21, 1980, from 9 a.m. to 5 p.m. in Room 1110 at the Joe C. Thompson Center, adjacent to the LBJ Library on the University of Texas at Austin campus.

For submission of written testimony, to obtain additional information, or to obtain copies of the committee's proposed recommendations, contact John Carlson, TENRAC, Conservation Division, 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5407.

### Proposed Recommendations of the Solar Advisory Committee

**Property Tax.** The Solar Advisory Committee of TENRAC recommends that the legislature transfer rulemaking and administration of Solar (Solar when spelled with a capital "S" in this and the following recommendations, refers to solar energy and all its applications as defined in the Solar Advisory Committee's enabling mandate. Solar, when uncapitalized, refers to specific solar applications) property tax exemptions entirely to the State Tax Board from the comptroller's office. Also, the legislature should require inclusion of the Solar tax exemptions information in the appraiser's manual and in any appraiser's training. A small appropriation may be required for training appraisers. Furthermore, the Solar ad valorem tax exemption should be included in the property inventory checkoff for standard deductions, similar to the old age or disabled veterans' standard exemptions.

**Franchise Tax.** The Solar Advisory Committee of TENRAC recommends that the legislature modify and broaden the present franchise tax exemption, if administratively feasible, to allow businesses with some Solar involvement to exempt the part of their taxable capital and assets devoted to Solar sales, manufacturing, and installation.

**Solar Component for Texas Housing Agency.** The Solar Advisory Committee of TENRAC recommends the following relating to the Texas Housing Agency:

(1) award qualifying points to Texas Housing Agency applicants using conservation and/or Solar. The points would be added as a factor in considering the loan application and would not apply to the applicable interest rate, which would be the same as that for all other Texas Housing Agency loans.

(2) award qualifying points to the applications of builders, developers, and architects using passive or active solar in designs for single and multifamily dwelling, and

(3) amend the Texas Housing Agency's enabling legislation to allow financing of rehabilitation projects, offering qualifying points to solar.

**Solar Component for Texas Rehabilitation Loan Fund.** The Solar Advisory Committee of TENRAC recommends that if funding is made available to the Texas Rehabilitation Loan Fund, qualifying points to applicants using conservation and/or Solar be given. The points would be added as a factor in considering the loan application and would not apply to the applicable interest rate, which would be the same for all applicants.

**Texas Industrial Commission.** The Solar Advisory Committee of TENRAC recommends that applications for funding under the Texas Industrial Commission's Industrial Development Bond Program be given qualifying points if the proposed design incorporates the use of Solar energy.

**Texas Veterans Land Program.** The Solar Advisory Committee of TENRAC recommends that building loans made under the Texas Veterans Land Program be expanded if administratively feasible to include solar retrofit improvements at existing interest rates.

**Federally Guaranteed Retrofit Loans.** The Solar Advisory Committee of TENRAC recommends that the council adopt a resolution to be forwarded to the Texas Congressional Delegation seeking expansion of current Federal Housing Authority and Veterans Administration home mortgage programs to include solar retrofits.

**Increased Energy Development Funds for Solar.** The Solar Advisory Committee of TENRAC recommends that greater funding be made available for the Energy Development Fund program to support research, development, and demonstration of those Solar technologies that are of direct importance to this state. Such funding should include, but not be limited to:

- (1) informational research;
- (2) comprehensive energy management planning;
- (3) monitoring selected Solar projects in the state;
- (4) development of solar cooling and dehumidification methods, and industrial applications of solar technologies, including small concentrating systems; and
- (5) applications of wind energy generation and passive design of residential and commercial buildings. Significant portions of these funds for research, development, and demonstration should be given to small size firms.

**Cost Sharing.** The Solar Advisory Committee of TENRAC recommends that the state be encouraged to support federally funded solar projects in Texas through cost sharing and other cooperative efforts.

**Standards for Solar Collectors and Systems.** The Solar Advisory Committee of TENRAC recommends that Texas adopt standards for testing solar collectors. The standards to be adopted would be those of the American Society of Heating, Refrigerating, and Air Conditioning Engineers.

**New State Structures.** The Solar Advisory Committee of TENRAC recommends that passive and active solar heating, cooling, hot water systems, and daylighting shall be used on all new state buildings after August 31, 1981, except on those structures where the use of solar is clearly not in the public interest. The method of cost analysis should be life cycle costs.

**Public Utility Commission and Railroad Commission of Texas Solar Involvement.** The Solar Advisory Committee of TENRAC recommends that the Public Utility Commission of Texas and the Railroad Commission of Texas consider the following: a voluntary program in which the electric and natural gas utility companies participate in financing the purchase and installation of solar hot water heaters. The investment would be attributed to the Reserve for Deferred Taxes in order to relieve it of the return requirement. The effect would be to provide interest free loans for solar hot water installations. The customer would be required to maintain the device once it is installed.

**Licensing of Solar Installers.** The Solar Advisory Committee of TENRAC recommends that a single statewide license be required for contractors installing solar energy systems for hot water heating, air conditioning, and space heating of buildings, as well as for solar energy systems used for commercial and industrial purposes. This license should be granted to contractors who have:

- (1) completed a course in basic design and installation procedures of solar installation, and
- (2) passed a state examination as a master installer of solar systems.

We suggest two types of licenses: (a) for contractors installing solar systems having a capacity of not more than 100 square feet of collector surface (including domestic hot water and other solar heat requirements); or (b) for installers qualified to install any size solar installation. This licensing requirement would not apply to passive building construction techniques or owner built systems.

**Model Solar Code.** The Solar Advisory Committee of TENRAC recommends that TENRAC contact local building officials to urge adoption of the "Document for Code Officials on Solar Heating and Cooling of Buildings" issued by the United States Department of Energy.

**Architectural Licensing and Renewal.** The Solar Advisory Committee of TENRAC recommends that in its licensing examinations and requirements for renewal, the Texas Board of Architectural Examiners should require basic knowledge and understanding of energy conservation and the use of renewable energy sources.

**Solar Easement Legislation.** The Solar Advisory Committee of TENRAC recommends that the council endorse the establishment of "solar easements," as defined in Senate Bill 091, 66th Legislature. Solar easements are defined as the

"right to receive solar energy across real property of another person for efficient use of solar energy devices."

**Information Transfer.** The Solar Advisory Committee of TENRAC recommends that TENRAC, with subcontract to appropriate groups where necessary, shall continue and expand information transfer programs, e.g. data banks, workshops, brochures, public service announcements, and the dissemination of public information from state and federal agencies, related to solar and renewable resources. Furthermore, the committee recommends that TENRAC, with subcontract to the appropriate groups where necessary:

- (1) determine the resources of the state to allow engineers, architects, designers, and planners to more adequately design Solar systems;
- (2) provide for the gathering of data on a statewide basis of hourly values of direct and total insolation, wind speed, and direction at appropriate heights, and other appropriate local climate data; and
- (3) disseminate this data in useful form to concerned parties.

**Expanded TENRAC Solar Functions.** The Solar Advisory Committee of TENRAC recommends that TENRAC be identified as the "lead agency" in programs and policy recommendations for increasing the use of Solar energy in Texas. It is further recommended that the council centralize Solar activities for the administration of the solar programs. Among the responsibilities to be performed by TENRAC are:

- (1) information transfer;
- (2) research;
- (3) policy recommendations; and
- (4) contact with the United States Department of Energy, the Solar Energy Research Institute, and the Southern Solar Energy Center.

It is further recommended that TENRAC:

- (1) administer centers in various climate regions to serve as central information distribution points for regional specific Solar information. The centers would offer consumer information, free or low cost design consultation and computer modeling services;
- (2) fund and administer design competition for low cost solar home designs. TENRAC should acquire design rights to winning designs which are climate and market sensitive in different climate regions and offer them free to builders who will build and market them. TENRAC should also build high visibility demonstration projects based on winning designs in each climate region;
- (3) offer recognition awards to builders who use Solar principles in site plans and residential and commercial structures;
- (4) conduct hands on solar domestic hot water workshops for homeowners; and
- (5) publish brochures, manuals, and workbooks related to Solar. To accomplish this broadened responsibility, it is recommended that the TENRAC Solar staff be expanded.

Additionally, the Solar Advisory Committee of TENRAC recommends that TENRAC appoint an advisory committee on solar energy to provide continuing advice to TENRAC on technical and policy matters.

**Fuel Use Act.** The Solar Advisory Committee of TENRAC recommends that the state should seek relief from the Fuel Use Act for hybrid solar systems beyond 1990. Oil and gas firing of boilers should be permitted for industrial heat and



electrical utilities provided that at least 50% of the annual energy supplied is solar and/or wind.

**Swimming Pool Heaters.** The Solar Advisory Committee of the TENRAC recommends that the state should encourage the use of solar energy for heating swimming pools by phasing out the use of swimming pool heaters using oil and gas.

**Low Interest Solar Loans.** The Solar Advisory Committee of TENRAC recommends, to the extent that the constitution permits, the passage of enabling legislation to permit the sale of state bonds that are tax exempt and thereby establish a fund for low interest loans to be made for residential and commercial applications for Solar energy equipment and components.

**Western Solar Utilization Network.** The Solar Advisory Committee of TENRAC recommends that Texas explore affiliation with the Western Solar Utilization Network.

**Wind Test Center.** The Solar Advisory Committee of TENRAC recommends that a test center be established for small wind energy conversion systems (less than 100 kw).

Functions would include

(1) certification of small wind energy conversion systems which are sold in the state. Certification is recommended but not mandatory;

(2) provide information to the manufacturer that will assist in improving their product; and

(3) provide information for consumers regarding performance in long term test situations.

Standards for rating and performance would be developed in conjunction with national standards being developed by American Wind Energy Association and the United States Department of Energy.

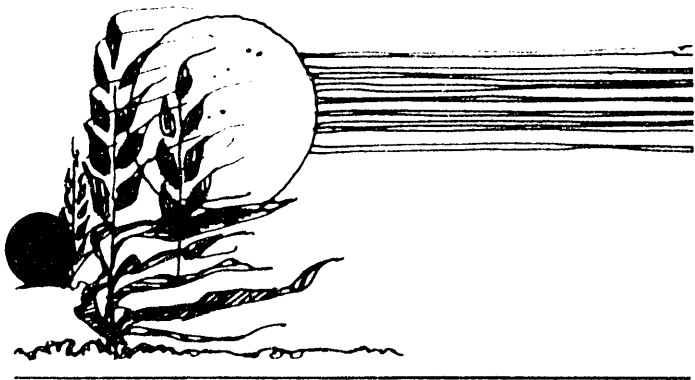
**Rating.** The Solar Advisory Committee of TENRAC recommends that Texas endorse the national consensus method for rating collectors and small wind energy conversion systems, when promulgated, in order to provide better information for consumers.

Issued in Austin, Texas on July 22, 1980.

Doc. No 805926 Roy R. Ray, Jr., Manager  
Technology Development Section  
Texas Energy and Natural Resources  
Advisory Council

Filed August 1, 1980, 9:41 a.m.

For further information, please call (512) 475-5407



## Executive and Legislative Budget Offices

### Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1982-83 biennium, for the period August 11-15, 1980

Agency	Date	Place
Denton State School	8:30 a.m. Aug. 11	Fort Worth State School, Fort Worth
State Pension Review Board	9:30 a.m. Aug. 11	Room F Reagan Building, Austin
University of Texas System, Available University Fund	9:30 a.m. Aug. 11	Ashbel Smith Hall second floor conference room, 201 West 7th Street, Austin
Supreme Court of Texas	9:30 a.m. Aug. 11	Senate Committee Room 213, State Capitol
Courts of Civil Appeals	9:30 a.m. Aug. 11	Senate Committee Room 213, State Capitol
Office of Court Administration	9:30 a.m. Aug. 11	Senate Committee Room 213, State Capitol
UT at El Paso	11 a.m. Aug. 11	Ashbel Smith Hall, second floor conference room, 201 West 7th Street, Austin
Fort Worth State School	1:30 p.m. Aug. 11	Fort Worth State School, Fort Worth
State Law Library	1:30 p.m. Aug. 11	Senate Committee Room 213, State Capitol
State's Prosecuting Attorney Before the Court of Criminal Appeals	1:30 p.m. Aug. 11	Senate Committee Room 213, State Capitol
Judiciary Section, Comptroller's Department	1:30 p.m. Aug. 11	Senate Committee Room 213, State Capitol
UT at Austin	2 p.m. Aug. 11	Ashbel Smith Hall second floor conference room, 201 West 7th Street, Austin
Terrell State Hospital	8:30 a.m. Aug. 12	Fort Worth State School, Fort Worth
Parks and Wildlife	9 a.m. Aug. 12	Sergeants Committee Room 215, State Capitol
Governor's Committee on Aging	9 a.m. Aug. 12	Senate Finance Room 215, State Capitol
Wichita Falls State Hospital	1:30 p.m. Aug. 12	Fort Worth State School, Fort Worth
Genetics Counseling and Screening Program	8:30 a.m. Aug. 13	Fort Worth State School, Fort Worth

UT at Tyler	1:30 p.m. Aug. 13	Administration Building, 1604, UT Dallas, Dallas
UT Health Center at Tyler	2 p.m. Aug. 13	Administration Building, 1602, UT Dallas, Dallas
UT Health Science Center at Dallas	3:30 p.m. Aug. 13	Administration Building, 1602, UT Dallas, Dallas
UT at Arlington	8:30 a.m. Aug. 13	Administration Building, 1602, UT Dallas, Dallas
Court of Criminal Appeals	9:30 a.m. Aug. 14	Senate Committee Room 213, State Capitol
Texas Prosecutor's Coordinating Council	9:30 a.m. Aug. 14	Senate Committee Room 213, State Capitol
State Commission on Judicial Conduct	9:30 a.m. Aug. 14	Senate Committee Room 213, State Capitol
State Department of Highways and Public Transportation	9:30 a.m. Aug. 14	Senate Finance Room 301, State Capitol
UT at Dallas	10 a.m. Aug. 14	Administration Building, 1602, UT Dallas, Dallas
Natural Fibers and Food Protein Commission	1 p.m. Aug. 14	Administration Building, 1602, UT Dallas, Dallas
Board of Nurse Examiners	10 a.m. Aug. 15	Senate Finance Room 301, State Capitol

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

Doc. No. 805918 James P. Oliver  
Assistant Director  
Legislative Budget Board

Filed August 1, 1980, 9:13 a.m.  
For further information, please call (512) 475-3426.



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

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of July 29-31, 1980.

Should any person wish to become a formal party to any of the above stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25 day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the

25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

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

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

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

Brackenridge Hospital, Austin (7/29/80)

AH80-0725-021

EC—To acquire a Rohnar 7200 ultrasound unit with A mode, B scan, real-time, and M-mode capability

Hotel Dieu Hospital and Medical Center, El Paso (7/30/80)

AH80-0728-014

EC—To acquire a DuPont 720 automatic clinical analyzer (ACA III) to replace an outmoded DuPont ACA II machine

Hermann Hospital, Houston (7/29/80)

AH80-0728-022

EC--To acquire a mobile gamma camera and nuclear medicine computer system to be located in the heart station

Hermann Hospital, Houston (7/30/80)  
AH80-0725-023

EC--To acquire a real time, two dimensional echocardiograph with Doppler capabilities

Hermann Hospital, Houston (7/29/80)  
AH80--0725-025

EC-- To acquire a portable echocardiograph machine with M mode capability

Hotel Dieu Hospital and Medical Center, El Paso  
(7/30/80)

AH80-0728-008

EC--To acquire a Coulter Counter, Model S Plus, to replace an existing 10 year old Coulter Counter, Model S, located in the lab

Issued in Austin, Texas, on August 1, 1980

Doc No 805938      O A Cassity III  
Director of Hearings  
Texas Health Facilities Commission

Filed August 1, 1980, 11 15 am  
For further information, please call (512) 475-6940

## Office of the Secretary of State

### Consultant Proposal Request Deadline Extension

Offers on the proposal described at 5 TexReg 2942, July 22, 1980, will be considered if they are received no later than 5

p.m. August 11, 1980, in the Office of the Secretary of State, State Capitol.

Issued in Austin, Texas, on July 30, 1980.

Doc. No. 805892      George W Strake, Jr  
Secretary of State

Filed: July 31, 1980, 9 57 a.m.  
For further information, please call (512) 475-0808



## REGULATORY DRAFTING WORKSHOP

TUESDAY AND WEDNESDAY  
SEPTEMBER 9 AND 10, 1980  
SAM HOUSTON BUILDING  
AUSTIN, TEXAS

Drafting regulatory documents is a complex, tedious task, but one of vital importance to each state agency. To assist you in the formulation of these documents, the Texas Register Division is presenting a two-day course in regulations drafting.

A panel of experts from the Office of the Federal Register in Washington, D. C. will be present to explain methods that have proven effective, and will be available to answer any questions you might have concerning your agency's specific problems. Discussions will emphasize the basics of drafting and organizing rules and the need for audience identification.

Participants will examine technique of design, style, arrangement and review in order to make documents more readable and useful to their audiences. The program includes lectures, discussions and drafting exercises critiqued by the workshop staff.

Cost for two day seminar \$125.00/person

Purchase voucher issued by Texas Register Division upon receipt of application from agency.

Payment must be received by August 8, 1980.

Questions about seminar should be directed to Dee Wright, Sally Connally, or Charlotte Scroggins at (512) 475-7886.

### REGISTRATION FORM

Please complete the following information and return to:  
Regulatory Drafting Workshop Committee  
ATTN: Texas Register Division  
201 East 14th Street  
Room 503E Sam Houston Bldg.  
Austin, Texas 78701

TO INSURE A RESERVATION, COMPLETED FORM MUST BE RECEIVED IN THE ABOVE OFFICE BY JULY 25.

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

AGENCY \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

If any other agency representative plans to attend, please list their names. \_\_\_\_\_

Workshop charges \_\_\_\_\_ (no persons attending) X \$125 equals \_\_\_\_\_

Please make checks payable to Regulatory Drafting Workshop Committee \_\_\_\_\_ payment enclosed \_\_\_\_\_ bill me

## 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 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives  
Commission

ETAC 1121 (31-20-02-001) 3170

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (32-15-73-001) 3170

Noncodified (32-74-41-002) 3171

## Table of TAC Titles

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