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# TEXAS REGISTER

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TEXAS DOCUMENTS

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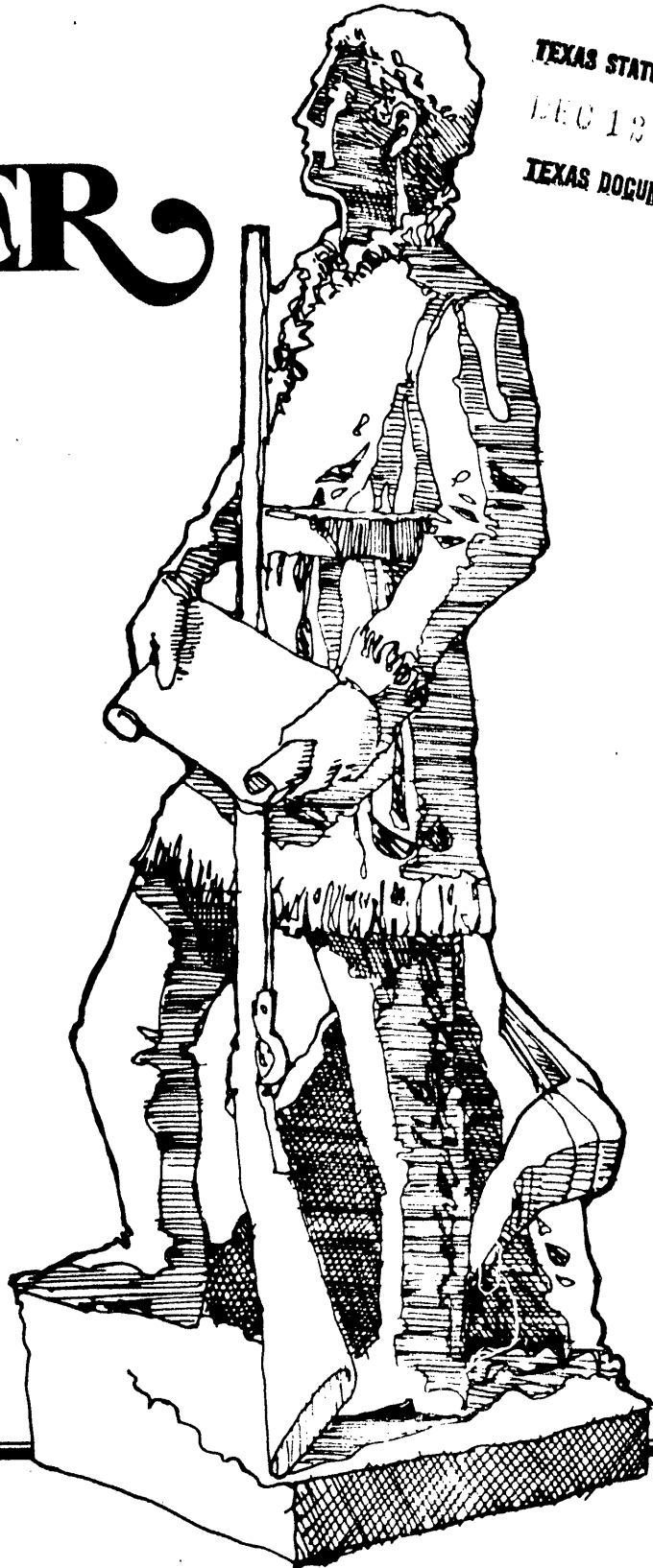
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Office of the Secretary of State

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

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

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

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 3, Aug. 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 Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

# TEXAS REGISTER



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

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## Appointments

### Galveston Bar and the Houston Ship Channel

*Effective November 3, 1980, to be branch pilots for four-year terms to expire November 2, 1984:*

Captain L. D. Palmer  
11027 Sageleaf  
Houston, Texas 77089

Captain J. W. Rowland  
11655 Sabo Road  
Houston, Texas 77089

Captains Palmer and Rowland are reappointments.

### Board of Vocational Nurse Examiners

*For a term to expire September 6, 1983:*

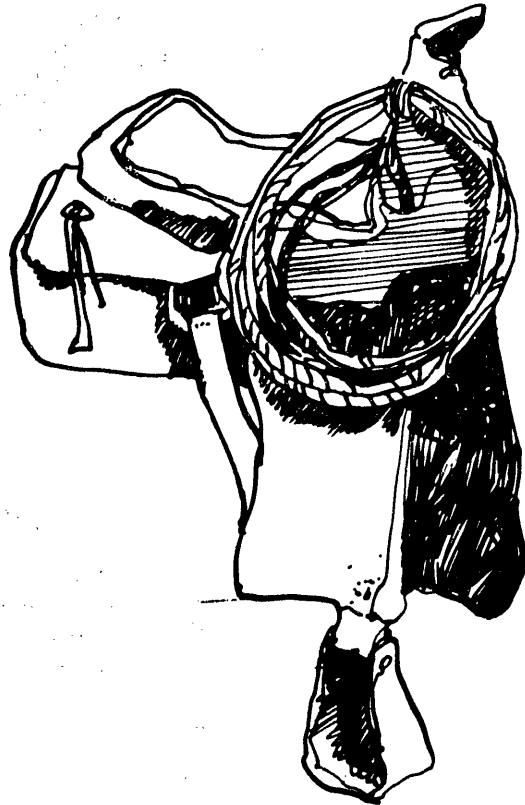
Donetta Goodall  
Austin Community College  
P.O. Box 2285 (RN in teaching position)  
Austin, Texas 78767

Ms. Goodall will be filling the unexpired term of Doris G. Sinclair of San Antonio, Bexar County, who resigned.

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

Doc. No. 809202      William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.



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.

## Opinions

### Summary of Opinion MW-274 (RQ-432)

Request from Joe Resweber, county attorney, Harris County, concerning whether Harris County can maintain a fishing pier extending into another county.

**Summary of Opinion:** Harris County may maintain a park fishing pier which extends from a Harris County park into public waters located in another county.

Doc. No. 809207

### Summary of Opinion MW-275 (RQ-281)

Request from John W. Davis, O.D., chairman, Texas Optometry Board, Austin, concerning authority of an optician to fit contact lenses.

**Summary of Opinion:** Article 4552-5.17, Vernon's Texas Civil Statutes, authorizes a physician to direct an optician outside of his office to perform acts necessary to fit contact lenses. The physician must use a specific written authorization to direct the optician's work. The physician remains legally liable for the negligence of the optician in performing services under his direction. An optician, acting with or without a physician's authorization, is liable for damage caused by his own acts of negligence.

Doc. No. 809208

### Summary of Opinion MW-276 (RQ-371)

Request from Joseph N. Murphy, Jr., executive director, Employees Retirement System, Austin, and Bruce Hineman, acting executive secretary, Teacher Retirement System, Austin, concerning liability for mismanagement of Employees Retirement System or Teacher Retirement System funds and related questions.

**Summary of Opinion:** Aside from requirements that they correct any errors in their records and adjust future payments accordingly, the Teacher Retirement System and the Employees Retirement System have no civil liability under current law for the negligent management of trust assets or benefit programs. They are agencies of the state. The

systems may nevertheless require faithful performance bonds of officers and employees (and pay the premiums), but they may provide errors and omissions insurance to officers and employees only as an element of compensation.

Doc. No. 809209

### Summary of Opinion MW-277 (RQ-379)

Request from Gerald Brown, executive director, Texas Industrial Commission, Austin, concerning use of floating interest rates in the issuance of industrial revenue bonds.

**Summary of Opinion:** Under present Texas law, an investment security tied to a floating interest rate is not a negotiable instrument. Thus, an industrial development corporation may issue its nonnegotiable paper tied to a floating rate, but it must issue its negotiable paper with a fixed rate of interest.

Doc. No. 809210

### Summary of Opinion MW-278 (RQ-381)

Request from L. Alvis Vandygriff, commissioner, Texas Savings and Loan Department, Austin, concerning trust powers for state-chartered savings and loan associations.

**Summary of Opinion:** A state-chartered savings and loan association may amend its charter to offer trust services as provided in Article 1513a, Vernon's Texas Civil Statutes. If the association's permanent reserve stock fund is at least \$500,000, it will meet the \$500,000 paid-in capital requirement. The offering of trust services would merely be incidental to an association's authority to accept savings accounts, and therefore the association would not lose its ability to accept such deposits. The state banking commissioner would retain primary authority for examining trust departments at such associations.

Doc. No. 809211

### Summary of Opinion MW-279 (RQ-397)

Request from Henry Wade, district attorney, Dallas County, concerning treatment of crippled children under the provisions of Article 4419c.

**Summary of Opinion:** Article 4419c, Vernon's Texas Civil Statutes, does not permit the Crippled Children's Division of the Texas Department of Health to reimburse a hospital district for expenses incurred in treating crippled children.

Doc. No. 809212

### Summary of Opinion MW-280 (RQ-415)

Request from Phillip D. Creer, FAIA, executive director, Texas Board of Architectural Examiners, Austin, concerning transfer of property of the Board of Landscape Architects.

**Summary of Opinion:** One-half of the funds and property credited to the Board of Landscape Architects and Irrigators Fund should have been transferred to the Board of Irrigators Fund, effective September 1, 1979. The remaining funds and

property remained in the custody and control of the Landscape Architects Fund, as successor in interest of the Board of Landscape Architects and Irrigators Fund.

Doc. No. 809213

### Summary of Opinion MW-281 (RQ-392)

Request from John P. Parsons, commissioner, Credit Union Department, Austin, concerning the authority of state-chartered credit unions to charge rates of interest authorized under federal law.

**Summary of Opinion:** Article 2461-4.03, Vernon's Texas Civil Statutes, does not give the credit union commissioner the authority to issue a regulation authorizing state-chartered credit unions to charge a greater rate of interest than that authorized by the legislature.

Doc. No. 809214

### Summary of Opinion MW-282 (RQ-407)

Request from James B. Adams, director, Texas Department of Public Safety, Austin, concerning whether a retiring employee is entitled to be paid longevity or hazardous duty pay in addition to accumulated leave if he takes the accumulated leave in a lump sum.

**Summary of Opinion:** A retiring employee is not entitled to receive longevity or hazardous duty pay when he is compensated for his accrued leave in a lump sum.

Doc. No. 809215

### Summary of Opinion MW-283 (RQ-418)

Request from Robert Bernstein, M.D., F.A.C.P., commissioner of health, Austin, concerning whether a public employee's home telephone number and date of birth are open under the Open Records Act.

**Summary of Opinion:** A public employee's date of birth is not excepted from disclosure. A public employee's home telephone number may be excepted only upon a showing of exceptional circumstances.

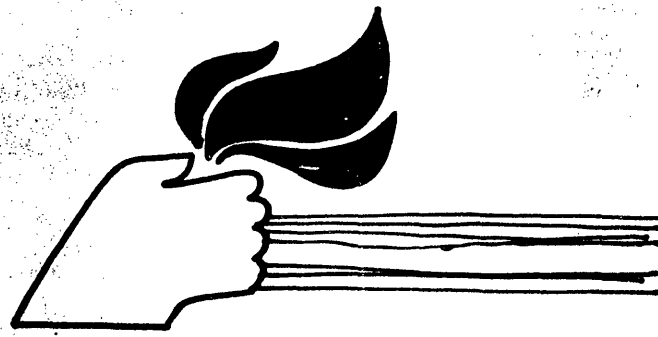
Doc. No. 809216

### Summary of Opinion MW-284 (RQ-422)

Request from Dorman H. Winfrey, director and librarian, Texas State Library, Austin, concerning responsibility of Texas State Library for works of art in the Capitol.

**Summary of Opinion:** The Library and Historical Commission is the custodian of works of art in the State Capitol.

Doc. No. 809217



## Open Records Decisions

### Summary of Open Records Decision ORD-259 (RQ-394)

Request from H. P. Wright, city attorney, Port Neches, concerning whether the amount of a gift to a city is public under the Open Records Act when the donor has requested that the amount not be revealed.

**Summary of Decision:** The City of Port Neches was asked under the Open Records Act for a copy of a pledge agreement whereby a substantial sum was pledged to the city to build a library. The pledge indicated that the entire sum was to be paid by February 1981. The donor objected to disclosure of the pledge at this time. Since the agreement was still in the negotiating stage, it could be excepted by Section 2(f) of Article 6252-17a, Vernon's Texas Civil Statutes, the Open Meetings Act, and thereby excepted by Section 3(a)(1) of the Open Records Act as information deemed confidential by law. When full payment has been made, the information should be disclosed.

Doc. No. 809203

### Summary of Open Records Decision ORD-260 (RQ-395)

Request from Brent P. Burford, assistant city attorney, Irving, concerning whether an employee's personnel file is open under the Open Records Act.

**Summary of Decision:** The City of Irving received a request under the Open Records Act, Vernon's Texas Civil Statutes, Article 6252-17a, for information relating to a worker's compensation claim filed against it. The city correctly determined that information concerning the employee's injury, potential injuries of other employees, and information relating to the potential dangers of a particular chemical could be withheld from public inspection pursuant to Section 3(a)(3) as information related to pending litigation. Other information including information on the employee's prior injuries, the City Safety Review Board's accident sheets, and personnel status change sheets regarding other injuries could not be withheld pursuant to Section 3(a)(1) and 3(a)(2) of the Open Records Act. None of this group of documents satisfied the requirements for constitutional, common-law, or employee privacy. Therefore, they were not excepted from disclosure.

Doc. No. 809204

### Summary of Open Records Decision ORD-261 (RQ-404)

Request from Archie Clayton, general counsel, Banking Department of Texas, Austin, concerning whether an acknowledgment by the board of directors of a state-chartered bank that they have received a report of examination of their bank is public under the Open Records Act.

**Summary of Decision:** The Banking Department received under the Open Records Act, Vernon's Texas Civil Statutes, Article 6252-17a, for a form-acknowledgment by the board of directors of a state-chartered bank. Such form-acknowledgments may include special comments. If it does, a sentence is stamped across the face of the acknowledgment letter. The presence or absence of the stamped language indicates the kind of conclusion reached by the Banking Department in its examination. For this reason, the form-acknowledgment letter is excepted from disclosure by Section 3(a)(12) of the Open Records Act which applies to information contained in or related to examination reports prepared by the agency responsible for the regulation of financial institutions.

Doc. No. 809205

### Summary of Open Records Decision ORD-262 (RQ-421)

Request from Clyde A. Wilson, Jr., city attorney, San Angelo, concerning whether ambulance activity reports maintained by a municipally operated ambulance are available to public inspection under the Open Records Act.

**Summary of Decision:** The City of San Angelo was requested under the Open Records Act to provide information contained in reports filed by the municipal ambulance service. Since these reports provided relatively little detail, they were held to be open as a general matter. However, certain specific illness and injury information could be excepted by a common-law or constitutional right of privacy under Section 3(a)(1) of the Open Records Act.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809206

Susan L. Garrison, Acting Chairwoman  
Opinion Committee  
Attorney General's Office

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



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, 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.

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## CODIFIED

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### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

#### Subchapter P. Commercial Zones

Pursuant to a petition filed by the Wylie Area Chamber of Commerce, Wylie, the Railroad Commission of Texas is instituting a rulemaking proceeding to consider whether or not it should amend §5.294 (051.03.16.004) of this title (relating to Existing Commercial Zones) of the motor transportation regulations, which defined the existing Texas commercial zones, by adding a new subparagraph (F) under paragraph (1). The proposed amendment provides that the City of Wylie will be included in the Dallas commercial zone.

In support of the petition, petitioner alleges the following:

(1) The City of Wylie is included in the expanded 15-mile Dallas-area commercial zone, established by the Interstate Commerce Commission in its order MC-37, Sub. No. 26, published in 1976.

(2) There are a considerable number of business firms, such as medium and small size manufacturing companies, light industry, retail outlets, and other commercial ventures, that depend on motor carrier service in conducting their businesses.

(3) There is a commercial interdependence between the City of Wylie and the incorporated municipality of Dallas such that the City of Wylie is commercially part of the City of Dallas.

(4) The City of Wylie is experiencing growth similar to the Dallas/Fort Worth metroplex area, and is therefore similarly in need of expanded and efficient shipping services.

Pursuant to Section 5(a)(4), Texas Revised Civil Statutes Annotated, Article 6252-13a, the Transportation Division determines that there will be no cost to the state or to any unit of local government of the state in administering or enforcing this section.

Public comment on the proposed amendment is invited. Comments may be submitted in writing to Owen T. Kinney, director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*. In publishing this proposed amendment, the commission takes no position either for or against the proposal and specifically reserves the right to reject or modify the proposal in response to comments or on its own motion.

This amendment is proposed under the authority of Texas Revised Civil Statutes Annotated, Article 911b, Section 1(g).

§5.294 (051.03.16.004). *Existing Commercial Zones*. Commercial zones defined and prescribed by the commission after notice and hearing are as follows:

(1) The Dallas commercial zone shall include the following:

(A)-(E) (No change.)

(F) *the City of Wylie.*

(2)-(5) (No change.)

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

Doc. No. 809230 Owen T. Kinney, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption: January 12, 1981  
For further information, please call (512) 445-1330.

### TITLE 22. EXAMINING BOARDS

#### Part XXIII. Texas Real Estate Commission

#### Chapter 539. Provisions of the Residential Service Company Act

#### Annual Report

The Texas Real Estate Commission proposes to adopt §539.91 (402.05.10.001) of this title (relating to Application Form RSC 6-0) which would adopt by reference Annual Report Form RSC 6-0. Section 10(b) of the Residential Service Company Act, Article 6573b, Vernon's Texas Civil Statutes, requires an annual report to be on forms prescribed by the commission.

The Texas Real Estate Commission determines that the adoption of the proposed form will have no fiscal implications for the state nor for units of local government.

Nine service companies are licensed at present.

Public comment is invited and may be submitted to the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711, until January 12, 1981.

This section is proposed under the authority of Article 6573b, Vernon's Texas Civil Statutes.

§539.91 (402.05.10.001). *Application Form RSC 6-0*. The Texas Real Estate Commission adopts by reference attached Annual Report Form RSC 6-0 approved by the commission in January 1980. This document is published by and available from the Texas Real Estate Commission, 4920 North Interregional Highway, Austin, Texas.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809176     Andy James  
                         Administrator  
                         Texas Real Estate Commission

Proposed Date of Adoption: January 12, 1981  
For further information, please call (512) 475-6693.

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

##### Subchapter O. Sales Tax Division—State Taxes

The Comptroller of Public Accounts proposes to amend §3.308 (026.02.20.028) of this title (relating to Computers—Hardware, Software, Services, and Sales (20.01(H), (K), (L), and (T))) to exclude from the tax base the amount charged for separately stated mandatory maintenance.

The proposed amendments would have the following implications to the state:

Fiscal Year	Loss in State Sales Tax Revenues
1981	\$5,307,100
1982	\$5,784,700
1983	\$6,305,400
1984	\$6,872,900
1985	\$7,491,400

There would also be sales tax losses to cities and MTAs. (Source: revenue estimating staff, Comptroller of Public Accounts.)

Public comment is invited. Persons should submit their comments in writing to Jim Phillips, Drawer SS, Austin, Texas 78711.

These amendments are proposed under the authority of Texas Taxation—General Annotated, Article 20.11(A).

§3.308 (026.02.20.028). *Computers—Hardware, Software, Services, and Sales (20.01(H), (K), (L), and (T))*.

(a) Hardware.

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

(3) Any charges for computer software or other services that are a mandatory part of the sale, lease, or rental of the hardware are included in the sale, lease, or rental price of the hardware.]

(3)(4) *Separately stated charges for labor or services rendered in installing, applying, remodeling, or repairing computer hardware are not taxable.* Charges for other services, such as programming or training, [maintenance, programming, software, training, and other services] are not subject to tax if the services are optional to the customer and the charges are separately stated.

(4)(5) Installation charges and charges for telephone lines to remote terminals are not subject to tax if separately stated.

(5)(6) A resale certificate may be issued by a purchaser only if the hardware is purchased for the exclusive purpose of resale. If the purchaser makes a taxable use of the hardware while holding it for resale, the purchaser is liable for use tax. See §3.285 (005) of this title (relating to Sales for Resale; Resale Certificates) and §3.346 (066) of this title (relating to Use Tax).

(6)(7) Time sharing. When the customer has access to the computer through a remote terminal device, the customer does not have possession or operational control of the computer. The charge for time sharing is not subject to tax. A separate charge to the customer for possession and use of the terminal would be a rental of tangible personal property, the charge for which is taxable.

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

Issued in Austin, Texas, on December 7, 1980.

Doc. No. 809231     Bob Bullock  
                         Comptroller of Public Accounts

Proposed Date of Adoption: January 12, 1981  
For further information, please call (512) 475-1720.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 3. Traffic Law Enforcement Enforcement Action

The Texas Department of Public Safety proposes to adopt §3.29 of this title (relating to Procedures and Policies Relating to Diplomatic and Consular Officials), specifically, the respective privileges, rights, and immunities to diplomatic and consular officials as directed by international law and federal statute.

The staff of the Texas Department of Public Safety has determined that there are no fiscal implications for the state or for units of local government.

Comments are invited and may be submitted by contacting Norman V. Suarez, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, telephone (512) 465-2000. Comments must be received within 30 days of the publication of this proposal in the *Register*.

This section is proposed pursuant to the authority of Vernon's Civil Statutes, Article 4413(4), and 22 United States Code Annotated, Section 254a et seq.

§3.29. *Procedures and Policies Relating to Diplomatic and Consular Officials.*

(a) General policy. Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principal of international law that without prejudice to their privileges and immunities it is

the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

(b) Definitions. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

Career diplomatic and consular officers—Can be identified by credentials issued by the State Department and by other locally issued official identification papers.

Consular officers—Consuls-general, deputy consuls-general, consuls, and vice consuls.

Diplomatic officers—Ambassadors, ministers, minister counselors, counselors, first secretaries, second secretaries, third secretaries, and attaches.

Family members of consular officers—Do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do diplomatic and consular officers. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent diplomatic or consular officer.

(c) Immunity.

(1) Diplomatic officers. Diplomatic officers should not be arrested or detained for any offense.

(2) Consular officers.

(A) Under prevailing international law and agreement, a foreign career consular officer is not liable to arrest or detention pending trial except in the case of a grave crime (felony offense that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

(B) Honorary consuls have no immunity other than for official consular duties.

(C) The following procedures are in effect for handling selected incidents, violations, or minor offenses by consular officers.

(i) When a consular officer is stopped for a moving traffic violation, the officer on the scene upon being advised by the driver that he is a consular officer and ascertaining that he possesses the proper credentials should exercise discretion based on the nature of the violation and either let him go with a warning of the danger of his actions or proceed with issuance of appropriate citation. Under these circumstances, the mere issuance of a traffic citation does not constitute arrest or detention in the sense referred to above.

(ii) The primary consideration for driving while under the influence should be to see that the consular officer is not a danger to himself or the public. DPS officers may elect to assist the consular officer by one of the following options: take him to the station or a location where he can recover sufficiently to enable him to drive safely; take him to a telephone so that he can call a relative or a friend to come for him; call a taxi for him; or take him home.

(iii) While consular officials are immune from arrest, they are not immune from prosecution and the case should be presented to the local prosecutor when the facts so justify.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809195 James B. Adams  
Director  
Texas Department of Public Safety

Proposed Date of Adoption: January 12, 1981  
For further information, please call (512) 465-2000.

## Part II. Texas Department of Corrections

### Chapter 61. Rules and Regulations and Grievance Procedures Governing Inmate Conduct

#### Standards and Behavior Codes

The Texas Department of Corrections proposes to amend §61.28 (202.01.30.008) of this title (relating to Visiting). The proposed amendments expand existing procedures regarding inmate/attorney visitation. The purpose of these amendments is to facilitate access of inmates to their attorneys and to the courts.

The proposed amendments will have no state or local fiscal implications (source: staff of the Texas Department of Corrections).

Public comment is invited and may be submitted by writing to Robert E. DeLong, Jr., assistant director for general counsel, Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340.

These amendments are proposed under the authority of Article 6166j, Vernon's Texas Civil Statutes.

§61.28 (202.01.30.008). *Visiting.*

(a) Authority. The director shall adopt policies and rules concerning visiting privileges for inmates under Article 6166z2, Vernon's Civil Statutes. "... persons may visit the penitentiary under such rules and regulations as may be established." Visiting privileges must not conflict with the maintenance of security, order, and discipline. Visiting policies and rules will be made available to all inmates. The director will indicate the classes of persons who shall be allowed to visit the inmate.

(1) Diagnostic center. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting),* newly received inmates at the diagnostic unit are not permitted visiting privileges during the period they are assigned to this unit.

(2) Prerelease center. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting),* there are special rules for visitation on the prerelease centers. Once assignment is made, inmates assigned to the Prerelease Program will be informed of the specific rules that apply to their program.

(3) (No change.)

(b) Periods of visitation. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting),* inmates may have a visit from approved visitors for any two-hour period on the following days and during the following times: Saturday, 8 a.m. to 5 p.m.; Sunday, 8 a.m. to 5 p.m. (includes noon hour).

(c) Limits on persons per visit. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting),* inmates are allowed two visits per month of not more than two hours each. Generally, only two adults are allowed per visit. Children of the inmate or visitor may visit without being counted, at the discretion of the unit warden. Usually, only those persons on the inmate's correspondence and visiting list may visit. The warden or assistant warden can make investigations if they consider it necessary before allowing

other visitors. The warden or assistant warden can deny any person permission to visit regardless of whether or not he is on the inmate's visiting list whenever the visitor fails to comply with the visiting rules or when there are reasons to believe that the visit may not be in the best interest of the security and welfare of the inmates, personnel, facilities, or programs of the Texas Department of Corrections.

(d) Supervision. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, an employee must be present at all times during the visit, and he shall supervise the visit to keep order. If any visitor creates a disturbance, the visit will be terminated.

(e) Items not permitted visitors. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, no packages, mail, magazines, or other items may be brought in by a visitor. The visitors will not be permitted to bring large pocketbooks into the visiting area. Briefcases and attache cases are not permitted. Visitors should leave their pocket books, briefcases, and attache cases locked in their automobiles.

(f) (g) (No change.)

(h) Removal of articles. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, no visitor shall take any article whatsoever from the grounds of the institution without authorization from the warden, the officer in charge, or the warden's designated representative.

(i) Special visits.

(1) (No change.)

(2) Attorneys. *Attorneys may visit with inmates in accordance with §61.28(k) (.008(k)) of this title (relating to Visiting)*. [Attorneys who have satisfactorily identified themselves may visit with inmates after receiving permission from the warden or assistant warden.]

(3) (4) (No change.)

(5) Visits between inmates.

(A) Special visits are occasionally permitted between inmates assigned to the Department of Corrections. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, these individuals must:

(a) (b) (No change.)

(B) (No change.)

(j) Limitation of visiting privileges. Visiting privileges are granted to those inmates who have earned those privileges. Visiting privileges may be forfeited by an inmate due to violations of the rules and regulations.

(1) Forfeiture. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, an inmate in solitary for disciplinary reasons will not receive visits. Families and those on the correspondence and visiting list will be advised by the unit warden that the inmate has forfeited his visiting privileges and will not be permitted to have visits. The warden will advise those on the list when visiting privileges are restored.

(2) Medical reprieve. *Except as provided in §61.28(k) (.008(k)) of this title (relating to Visiting)*, inmates are not permitted to have visits while on medical reprieve. Inmates will receive visits only at Texas Department of Corrections institutions. Violation of this section will result in disciplinary action taken against the individual inmate. If and when an inmate is placed on the critical list by the doctor in charge of his case, the family may contact the warden of the Huntsville Unit who will advise them regarding the visitation policy for those who are placed on the "critical ill list."

(3) (No change.)

(k) Attorney visits.

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

**Attorney**—Any attorney licensed by and currently in good standing with any state bar of the United States and, except as used in §61.28(k)(4)-(7), (11), and (14) (.008(k)(4)-(7), (11), and (14)) of this title (relating to Visiting), shall also refer to that attorney's designated representative.

**Contraband**—Refers only to physical contraband as defined in §61.29(1) (.009(1)) of this title (relating to Correspondence) and does not include written material disapproved for its content. Under no circumstances shall inspection for contraband be deemed to permit the reading or skimming of documents.

**Warden**—Any warden of a prison unit in the Texas Department of Corrections and shall also refer to that warden's designated representative.

(2) Periods of visitation. *Except as limited by §61.28(k)(3) and (21)-(23) (.008(k)(3) and (21)-(23)) of this title (relating to Visiting)*, any inmate, including one in the diagnostic unit, on medical reprieve, in administrative or punitive segregation, or on death row, may have a visit from any licensed attorney, Monday through Friday, excluding state holidays, between 8 a.m. and 5 p.m., including lunch and dinner hours, for any length of time. If it would not unreasonably disrupt work schedules or threaten prison security, the warden may permit the visit to extend past 5 p.m. on Saturdays, Sundays, and state holidays; attorneys may visit subject to the sections governing nonattorney visits and to §61.28(k)(1), (3)-(6), (9) (excluding the provision concerning tape recorders), (12) (to the extent it applies to paragraph (9)), (15)-(18), and (20)-(24) (.008(k)(1), (3)-(6), (9), (12), (15)-(18), and (20)-(24)) of this title (relating to Visiting) unless the warden grants additional privileges such as those set out in §61.28(k) (.008(k)) of this title (relating to Visiting).

(3) Notice. *By 3:30 p.m. of the day immediately preceding the date that an attorney wishes to visit an inmate, the attorney must give the name of each inmate to be visited and an estimated arrival time to the warden of the unit to which each inmate is assigned. Notice to the TDC employee answering the telephone during normal office hours in the office of the warden for the unit to be visited shall be deemed notice to the warden. Upon giving such notice, the attorney shall have the right to visit, subject to any limitations set out in §61.28(k) (.008(k)) of this title (relating to Visiting). If the attorney does not give such notice, the visit may be permitted by the warden of the unit to which the inmate is assigned if the visit would not unreasonably disrupt work schedules or threaten prison security.*

(4) Identification.

(A) Attorneys. *Attorneys must satisfactorily identify themselves to the warden and complete and sign a copy of the Attorney Application To Visit TDC Inmate form herein referred to as Exhibit A (see subsection (1) of this section). An attorney bar card and either a driver's license or some other official identification that includes a photograph and the name of the attorney are satisfactory identification for a licensed attorney.*

(B) *Designated representatives.* If written authorization to serve as an attorney's designated representative has been filed with TDC in accordance with §61.28(k)(5) (.008(k)(5)) of this title (relating to Visiting), then on arrival at the unit immediately before the visit the representative must present satisfactory identification to the warden, complete and sign a copy of the Application To Visit TDC Inmate As Attorney's Representative (short form) herein referred to as Exhibit C (see subsection (I) of this section), and present a notarized statement signed by the attorney that contains the following information for each inmate (see subsection (I), Exhibit D, for a suggested form):

- (i) name of the attorney and state bar number;
- (ii) name of the representative;
- (iii) name and TDC number of each inmate to be visited;
- (iv) name of the unit in which each inmate is incarcerated;
- (v) date of the visit;
- (vi) whether each inmate is the attorney's client or witness;
- (vii) the attorney's signature; and
- (viii) a notary's certificate.

Either the representative's driver's license or some other official identification that includes a photograph and the name of the representative shall constitute satisfactory identification.

(5) *Designated representative's application.* For TDC approval to serve as an attorney's designated representative, the representative must submit to the warden of the first TDC unit to be visited, at least one week before the first requested visit to TDC as that attorney's representative, a completed, signed copy of the Application To Visit TDC Inmate As Attorney's Representative form herein referred to as Exhibit B (see subsection (I) of this section). If it would not unreasonably disrupt work schedules or threaten prison security, the warden may accept such an application filed less than one week before the requested visit. TDC shall maintain the confidentiality of all information provided on all such completed applications. Once Exhibit B has been previously completed and submitted to any TDC unit for the same attorney and representative, it need not be resubmitted before a visit to either the unit first visited or any other TDC unit.

(6) *Rejection of representative's application.* When Form B is required and has been completed and submitted, the warden of the unit at which the requested visit will occur shall determine within a reasonable time, and in any event no later than 4 p.m. of the day before the date of the requested visit, whether to reject the requested visit. If the decision is to reject the visit request, then within 48 hours after the decision is made, the warden shall mail the sponsoring attorney a written explanation of the reasons for the decision. Between 4 p.m. and 5 p.m. of the day before the date of a requested visit or during office hours on the day of a requested visit, any designated representative who has requested a visit with any inmate or that representative's sponsoring attorney may contact the warden of the unit in which the inmate resides to determine whether the warden has decided to reject the requested visit. When Form C (see subsection (I) of this section) is required and has been completed and submit-

ted, the warden shall permit the visit, subject to any other restrictions set out in §61.28(k) (.008(k)) of this title (relating to Visiting).

(7) *Limits on number of visits and persons per visit.* Neither visits by an attorney nor visits by an attorney's designated representative are counted in the number of visits allowed an inmate under §61.28(c) (.008(c)) of this title (relating to Visiting). Inmates are not limited in the number or length of visits by attorneys or their designated representatives. Except as provided in §61.28(k)(21)-(23) (.008(k)(21)-(23)) of this title (relating to Visiting), several attorneys may visit several inmates at the same time, subject to the space limitations and staffing of the institution being visited. An attorney's designated representative, if not accompanied by the attorney sponsoring the visit, can visit only one inmate at a time but may visit more than one inmate during the day. Advance notice as provided in §61.28(k)(3) (.008(k)(3)) of this title (relating to Visiting) must be given for each inmate to be visited.

(8) *Privacy.* At all times during a visit between an inmate and an attorney, unless requested to do otherwise by either the attorney or the inmate, the warden shall respect the privacy of the visit and maintain a sufficient distance from the visiting inmate and attorney to preserve the privacy of communications between them. This section does not limit the warden's ability to maintain visual surveillance during the visit or to terminate the visit as provided in §61.28(k)(16) (.008(k)(16)) of this title (relating to Visiting) in case of a threat to prison security.

(9) *Items permitted with attorney.* Attorneys may bring briefcases and attache cases into the visiting area. Attorneys may also bring a tape recorder into the visitation area and, subject to the availability of electrical outlets, may use it for taking notes of the interview with the inmate and for recording the conversation between the attorney and the inmate, but for no other purpose. The warden may open and inspect briefcases, attache cases, and tape recorders, but only in the attorney's presence and only for the purpose of detecting contraband. The warden may also search the attorney for weapons and contraband.

(10) *Items permitted with inmate.* Inmates may bring documents into the visiting area. Those documents may be inspected by the warden, but only in the inmate's presence and only for the purpose of detecting contraband.

(11) *Exchange of items.* Under no circumstances will an inmate and either an attorney or an attorney's designated representative be permitted to exchange any item that threatens prison security (i.e., currency, weapons, drugs) or any item described in §61.28(k)(1) (.008(k)(1)) of this title (relating to Visiting).

(A) *Between inmate and attorney.* During a visit, an attorney and an inmate may exchange items that the attorney affirms orally to the warden are material to the attorney-client or attorney-witness relationship by handing them to the warden to make the exchange. Those items may be inspected by the warden, but only in the presence of the attorney and the inmate and only for the purpose of detecting contraband. Either the attorney or the inmate may provide an envelope and request that the items being exchanged be sealed in the envelope by the person performing the exchange before leaving the view of

either the attorney or the inmate. After inspecting the items for contraband, the warden shall comply with this request and then complete the exchange without delay.

(B) *Between inmate and representative.* The attorney's designated representative and the inmate may exchange items, but only if the representative, immediately after arriving at the unit for the visit, submits the following (see subsection (I), Exhibit D, of this section for the recommended form):

(i) the name, TDC number, and unit of each inmate;

(ii) the date of the visit;

(iii) a statement that the items are material to the attorney-client or attorney-witness relationship;

(iv) the approximate maximum number of pages of documents to be exchanged;

(v) a general description of any other items to be exchanged; and

(vi) the state bar number and notarized signature of the sponsoring attorney.

The warden may verify that any nondocument items that the attorney's designated representative wishes to give an inmate were listed by the sponsoring attorney, that the number of pages of documents does not substantially exceed the number of pages listed by the attorney, and that none of the items to be exchanged are contraband as defined in §61.28(k)(1) (.008(k)(1)) of this title (relating to Visiting). Under no circumstances, however, shall this section permit a reading of the content of any document to be exchanged. The warden may refuse to exchange contraband, nondocument items that are not listed, and documents (selected by the representative) that substantially exceed the number of pages listed, but may not refuse to exchange items that are listed, subject to §61.28(k)(1) and (12) (.008(k)(1) and (12)) of this title (relating to Visiting).

(12) *Rejection of contraband articles.* If an item constituting contraband as defined in §61.28(k)(1) (.008(k)(1)) of this title (relating to Visiting) is found in an inspection permitted by §61.28(k)(9)-(11) (.008(k)(9)-(11)) of this title (relating to Visiting), the warden shall reject the contraband, shall immediately give each attorney and inmate who participated in the exchange a written statement of the reason for the rejection, and may terminate the visit if such action is reasonable in relation to the seriousness of the violation as determined by the nature of the contraband. Any such inmate or attorney may appeal the rejection through the procedure outlined in §61.28(k)(18) (.008(k)(18)) of this title (relating to Visiting).

(13) *Removal of items.* An attorney may remove from the institution any document received from an inmate under §61.28(k)(11) (.008(k)(11)) of this title (relating to Visiting). An inmate may remove from the visitation area any documents received from an attorney under §61.28(k)(11) (.008(k)(11)) of this title (relating to Visiting).

(14) *Writing utensils.* If writing utensils and paper are not available in the visiting area for use by inmates, an attorney is permitted to transmit these items to the inmate under the procedures described in §61.28(k)(11) (.008(k)(11)) of this title (relating to Visiting). An attorney's representative may also transmit these items even if they are not listed on the Application

*To Visit TDC Inmates As Attorney's Representative as required by §61.28(k)(11) (.008(k)(11)) of this title (relating to Visiting).* After completion of the visit, the warden shall return the writing utensils and unused paper to the attorney, but the inmate shall be permitted to choose whether to retain all paper used during the visit or to give it to the attorney using the procedure described in §61.28(k)(11) (.008(k)(11)) of this title (relating to Visiting).

(15) *Rejection by inmate of visitation request.* Immediately after an attorney approved for a visit with an inmate arrives at the unit in which the inmate resides and completes Form A (see subsection (I) of this section) attached hereto, the unit warden shall notify the inmate of the requested visit. If the inmate objects to such a visit, the warden shall deny an attorney the right to visit with any inmate provided that immediately after the inmate's objection is communicated to the warden, either:

(A) said inmate signs and swears to a completed copy of the Prisoner Visit Refusal form herein referred to as Exhibit E (see subsection (I) of this section); or

(B) two witnesses sign and swear to a completed copy of the Witness Visit Refusal form herein referred to as Exhibit F (see subsection (I) of this section).

Immediately after completion of Exhibit E or F, whichever is appropriate, a true and correct copy of the completed, signed exhibit shall be given to the inmate refusing the visit and to the attorney whose visit was refused.

(16) *Rejection by warden of visitation request or termination of visit.* The warden may deny an attorney the right to visit with any inmate or terminate such a visit immediately if that visit would cause a legitimate immediate threat to prison security, but only for as long as such a threat exists and only if no lesser action would alleviate the threat. If a decision denying an attorney the right to visit an inmate is made later than 4 p.m. of the day preceding the date of the requested visit, the director or the director's designated representative shall immediately, by either telephone or in person, attempt to notify all such attorneys and all such inmates of the denial. Within 24 hours after denying an attorney's right to visit with any inmate or terminating such a visit, the director shall send to any such inmate and any such attorney a written explanation of all reasons for said denial or termination, the reasons for the rejection or termination, notification of the right to appeal, and an explanation of the procedure for appeal. Any such inmate or attorney may appeal the denial or termination through the procedure outlined in §61.28(k)(18) (.008(k)(18)) of this title (relating to Visiting).

(17) *Suspension of visitation privileges.* The Bureau of Classification may prohibit any attorney who commits a serious violation of institutional visitation regulations from any further visits with any inmate or impose any less restrictive conditions regarding future visits that are reasonably appropriate to the violation. Within 72 hours after any attorney is prohibited from or restricted in further visits, the warden shall send to that attorney and to each inmate being visited at the time of the violation, a notice containing the following information:

(A) notification of the visitation prohibition, its duration, any restrictions regarding future visits, and the reasons for the prohibition or restriction; and

(B) notification that both the attorney and each such inmate have the right to appeal and an explanation of the procedure for appeal

Attorney visitation rights shall not be suspended or restricted except as provided by either §61.28(k)(17) (.008(k)(17)) of this title (relating to Visiting) or §61.28(k)(12), (15), (16), (21), (22), or (23) (.008(k)(12), (15), (16), (21), (22), or (23)) of this title (relating to Visiting). Any such attorney or inmate may appeal the prohibition or restrictions through the procedure outlined in §61.28(k)(18) (.008(k)(18)) of this title (relating to Visiting).

(18) Attorney visitation review procedure. Any TDC visitation prohibition or restriction may be appealed either by any attorney whose visitation privileges have been suspended or restricted in the manner provided by either §61.28(k)(12), (16), or (17) (.008(k)(12), (16), or (17)) of this title (relating to Visiting) or by any inmate with whom such an attorney either cannot visit or must visit under restrictions authorized under §61.28(k)(16) or (17) (.008(k)(16) or (17)) of this title (relating to Visiting). Any such person wishing to appeal must send to the Director's Review Committee written notice of appeal within two weeks after receiving the notice or statement required by the rule pursuant to which the suspension or restriction was imposed. Upon receipt of an appeal notice, the Director's Review Committee shall obtain all documents and other tangible objects on which the prohibition or restrictions were based. The Director's Review Committee shall render its decision within two weeks after receiving the appeal and shall notify each affected attorney and inmate in writing of that decision within 48 hours after the decision is rendered. The composition of the review committee shall be determined by the director and may be changed from time to time at the director's discretion. The committee must always include at least three members. No TDC official who has participated in or who has line responsibility for a prohibition or restriction (in other words, who was assigned to the unit at which the prohibition or restriction occurred) can sit on the committee considering that prohibition or restriction.

(19) Confidentiality of attorney visits and documents. The confidentiality of attorney visits and of documents exchanged during those visits as provided in §61.28(k) (.008(k)) of this title (relating to Visiting) shall not be abridged or circumvented by any TDC rule or practice.

(20) Telephone. The warden may allow an attorney to communicate by telephone with any inmate under such reasonable procedures and conditions as the warden may prescribe.

(21) Punitive segregation. An attorney may visit with an inmate who is in punitive segregation at the time of the requested visit only if the attorney can give the warden a reasonable explanation why an emergency requires that the visit occur before the inmate is released from punitive segregation. If the day of the requested visit falls on a Saturday or Sunday, the attorney must also give the warden a reasonable explanation why an emergency requires that the visit occur before the first Monday following the date of the requested visit.

(22) Administrative segregation. An attorney requesting a visit with an inmate who is in administrative segregation on the day of the requested visit cannot visit with any other inmate at the same time but may visit with other inmates on the same day. If the date of the requested visit falls on a Saturday or Sunday, the attorney must give the warden a reasonable explanation why the visit must occur before the first Monday following the date of the requested visit.

(23) Death row. Visits between an attorney and any inmate on death row are not permitted on Saturdays or Sundays unless the attorney gives the warden a reasonable explanation why the visit must occur before the first Monday following the date of the requested visit. An attorney requesting a visit with an inmate on death row cannot visit with any other inmate at the same time but may visit more than one inmate during the same day.

(24) Waiver. Any rights conferred on any person by §61.28(k) (.008(k)) of this title (relating to Visiting) can be waived by written agreement between that person and the warden, but an inmate can only waive any such rights in the presence of either an attorney or, if the inmate refuses to see an attorney, by two witnesses who sign and swear that the inmate's waiver decision appeared voluntary.

(1) Exhibits A through F are hereby adopted by reference and are attached hereto. Copies of Exhibits A through F can be obtained by writing to the Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340.

Doc. No. 809243

## Disciplinary Procedures

The Texas Department of Corrections proposes to amend §61.44 (202.01.40.004) of this title (relating to Segregation). The proposed amendment provides reference to the proposed amendment to §61.28 (202.01.30.008) of this title (relating to Visiting) concerning procedures for inmate/attorney visitation for inmates in administrative segregation status.

This proposed amendment will have no state or local fiscal implications (source: staff of the Texas Department of Corrections).

Public comment is invited and may be submitted by writing to Robert E. DeLong, Jr., assistant director for general counsel, Texas Department of Corrections, P.O. Box 99, Huntsville, Texas 77340.

This amendment is proposed under the authority of Article 6166j, Vernon's Texas Civil Statutes.

§61.44 (202.01.40.004). Segregation.

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

(d) Administrative segregation conditions. While in administrative segregation, the inmate will have toothpaste, toothbrush, and shaving gear. Wardens shall not allow an inmate to have shaving gear if it is believed that the inmate will do harm to himself or is a threat to others. However, the inmate will be shaved with an electric razor. He will be shaved often enough to maintain a neat appearance.

(1) (No change.)

(2) Mail and visiting. There shall be no restrictions on mail. However, **except as provided in §61.28(k)**



(202.01.30.008(k)) of this title (relating to Visiting), visits from individuals even though on the inmate's approved correspondence and visiting list will not be allowed.

(3)-(5) (No change.)

(e) (No change.)

Issued in Huntsville, Texas, on December 4, 1980.

Doc. No. 809244 Robert E. DeLong, Jr.  
Assistant Director for General Counsel  
Texas Department of Corrections

Proposed Date of Adoption: January 12, 1981  
For further information, please call (713) 295-6371, ext. 141.

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## NONCODIFIED

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### Texas Department of Human Resources

#### Legal Services

The Texas Department of Human Resources proposes to amend and add to its rules about fraud referrals in its legal services rules. Several rules regarding the recipient fraud referral process are being amended. Rules are proposed in new Subchapter .23 entitled Fraud or Abuse Involving Individual or Major Providers (except Medical). Rules about recovery of benefits, currently Subchapter .23 in the legal services Rules 326.79.23.001-.005, will be numbered as Rules 326.79.24.001-.005. The addition of new rules is proposed in order to differentiate the medical and nonmedical fraud referral processes.

The department has determined that the proposed rules and amendments will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—314, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Register.

#### Fraud Involving Recipients 326.79.21

The following amendments are proposed under the authority of the Human Resources Code, Title II.

##### .004. Criteria for Identifying Cases.

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

(c) The following criteria can be used to help identify cases which may involve fraud:

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

(4) The representation must be made with the intent and for the purpose of influencing the eligibility worker in the determination of program eligibility[, price paid for food coupons,] or total value of coupons received.

(5)-(6) (No change.)

##### .006. Relevant Facts.

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

(c) An individual must report to the department any changes in circumstances which would affect eligibility for services, assistance, or the amount of grant.

(d) If there is evidence of deliberate concealment of information or misrepresentation, the financial cases [involving \$100 or more] are referred to the investigative unit for review concerning possible prosecution. [Cases involving any other program regardless of the amount involved are referred to the investigative unit.]

##### .009. Preliminary Review.

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

(d) Misrepresentation in social services. If a worker or contract agency suspects that a recipient has received social services to which he or she may not have been entitled, the case will be referred to the investigative unit, upon concurrence by the supervisor or the program director for purchased social services. Facts in the case should be sufficient to support suspected fraud before referral. If the supervisor or program director for purchased social services does not concur, the referral form indicating nonconcurrence is returned to the worker or contract manager. When monitoring social services eligibility, some cases may be found that are potentially fraudulent. Such cases will be reported to the regional director for social services. If appropriate, the local worker or contract manager refers these cases to the investigative unit.

(e) Investigation of social services fraud referral. The investigative unit initiates and conducts the detailed examination of the social services case. The case record is studied and the situation for which the referral was made may be discussed with the worker, supervisor, contract manager, or contract agency staff. After a thorough investigation of the case, the investigator determines whether facts are sufficient to refer the case to law enforcement officials. The Investigations Division investigator may remove the case record from the file for copying or other action as deemed necessary for the investigation process.]

##### .010. Recipient Fraud Referral Process.

(a) (No change.)

(b) The referral form is sent to the investigative unit for *evaluation and* investigation *if appropriate* [and possible referral to law enforcement officials or the fraud hearing officer]. *In the event the referral does not meet the established criteria, the investigative unit may return the referral to the concurring supervisor.*

(c) Supervisors or caseworkers refer *additional* information to the investigative unit when appropriate.

(d)-(e) (No change.)

(f) *The investigative unit reports pertinent information to Management Assistance Division, State Office.*

##### .011. Referral Form.

(a) (No change.)

(b) *Any employee of the Department of Human Resources who receives information concerning potential fraud is responsible for forwarding that information to the local unit supervisor or caseworker responsible for the case. The supervisor or worker, after determining that the criteria for fraud exist, will initiate a fraud referral to the investigative unit.*

(c)(b) During a quality control (QC) review, some cases are found potentially fraudulent. The QC reviewer verifies potentially fraudulent aspects of these cases. All supportive evidence gathered during the QC investigation



should be incorporated in or attached to the QC referral. The local worker does not conduct an additional investigation.

(d)(c) The Audit Division prepares a fraud referral form for any case which *meets the established criteria for fraud discovered during* [is identified as suspected fraud following] an audit [of the case]. The referral is then sent directly to the [appropriate investigative unit via the] Investigation Division *field operations supervisor responsible for the region where the fraud occurred*.

Doc. No. 809167

### Fraud or Abuse Involving Individual or Major Providers (except Medical) 326.79.23

The following rules are proposed under the authority of the Human Resources Code, Title II.

.001. *Responsibilities of the Department in Relation to Provider Fraud.* The department's responsibilities in relation to provider fraud include:

(1) Setting up criteria for identifying cases of possible fraud or abuse.

(2) Establishing the methods of referral for investigating those cases in which fraud is suspected.

(3) In the investigation of cases when fraud is suspected, using methods that do not infringe on the rights of persons involved and are consistent with due process of law.

(4) Designating the position(s) responsible for making the decisions on individual cases before referral to Investigation Division or law enforcement officials.

(5) Establishing methods of supervision, review, and control to ensure that the review of suspected fraud is carried out.

(6) Keeping appropriate records and making periodic reports of suspected fraudulent cases.

(7) Recouping all overpayments.

.002. *Statutory Bases for Prosecution.*

(a) For all services which the Department of Human Resources provides remuneration, the department is, in effect, the legal owner of the funds used to pay for the goods or services. As such, the department has the right and responsibility to seek legal redress for any and all overpayments that may have occurred as a result of a provider's actions.

(b) The most common form of criminal sanction would take place under the Texas Penal Code, Section 31:032, Section 7:23, and Section 37:10.

.003. *Interpretation.* In determining what constitutes fraud in any provider case, it must be considered that there is a distinction between intentional misrepresentations and concealment and errors or misunderstandings. While it is not necessary that a provider understand all eligibility requirements in any given program, the department has a responsibility to explain the rights and responsibilities of a provider.

.004. *Criteria for Identifying Cases.*

(a) The department endorses the concept that people who provide services are essentially honest and are entitled to the same protection under the law as all other individuals. However, where there are indications of possible fraud, special investigations about the allegations are necessary.

(b) To determine the existence of fraud, certain kinds of facts must be established.

(1) There must be a misstatement or concealment by the provider which created a false impression to the department. The provider must have known that the impression created by the misstatement or concealment was not true.

(2) The department must have paid the provider based on the false impression, when the department would not have made payment in the amount paid had the truth been known.

(c) The following criteria can be used to help identify cases which may involve fraud:

(1) A fraudulent representation must be in such form as to be a statement of fact, concealment of fact, or an omission of fact.

(2) The fact misrepresented, omitted, or concealed must be material to a provider receiving payment to which he or she is not entitled.

(3) The representation must be untrue and the person making the representation must know or believe it to be untrue.

(4) The representation, concealment, or omission must be made for the purpose of influencing the department's judgment regarding some transaction with the provider.

(5) The department's agent to whom the representation is made must believe and rely on it and have the right to do so.

(6) The department's agent relying on the representation must act on it and there must be a resulting loss to the department.

In a case when the above criteria are met, except the provider does not receive payment, it is possible that the provider has still committed a violation. Cases of this nature should be referred to the Investigation Division for evaluation.

.005. *Provider Fraud Referral Process (Title XX).*

(a) Complaints or findings, including audits, indicating fraud by providers of social services are reviewed by appropriate staff. When field staff or State Office staff receive any allegation of fraud against a provider, the basic facts or reason supporting suspected fraud should be obtained, if possible. The person receiving the allegation obtains facts surrounding the allegation only. No agreement or commitment is to be made. However, during the initial contact, details can be obtained about what happened, when and where the suspected fraud occurred, and who and how much was involved.

(b) When facts which meet the criteria for identifying fraud are received, the staff member submits a memorandum explaining these facts to his or her unit supervisor for concurrence. The memorandum is then submitted to the director of the Investigation Division for that provider's contract. All Title XX provider fraud referrals are reviewed by a Provider Fraud Referral Review Committee for approval before assignment to an investigative unit for investigation.

.006. *Provider Fraud Referral Review Committee.*

(a) The Provider Fraud Referral Review Committee examines all provider referrals to determine if the referral meets the criteria for identifying cases. The director of investigations appoints a committee chairman. The associate commissioners of services to families and children and of services to aged and disabled will each appoint one committee member, and the general counsel of legal services will appoint another when the chairman considers it necessary. The

committee reviews all referrals within 14 days after receipt by the director of investigations.

(b) Cases approved by the committee are returned to the director of investigations for assignment to an investigative unit. Cases not approved are returned to the staff member initiating the memorandum for additional information.

(c) The committee chairman maintains a register recording all cases reviewed by the committee and the committee's disposition of each case.

(d) Cases from all social service providers are handled in accordance with the process stated above.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809168     Marlin W. Johnston  
                           Acting Commissioner  
                           Texas Department of Human Resources

Proposed Date of Adoption: January 12, 1981

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

## Texas Department of Mental Health and Mental Retardation

### Client (Patient) Care

#### Client Abuse and Neglect 302.04.19

The Texas Department of Mental Health and Mental Retardation proposes to amend Rule 302.04.19.005 governing administrative enforcement under its subchapter of rules concerning client abuse and neglect.

The proposed amendments would amend subsection (c) so that when the chairperson of the Client Abuse and Neglect Committee is away from the facility during normal working hours one of the committee members shall be appointed acting chairperson. The proposed amendments would also amend subsection (d)(1) by adding the words "acting chairperson" at the end of the first sentence in that paragraph so that the language will be consistent with the proposed amendment to subsection (c).

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

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

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

#### .005. Administrative Enforcement.

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

(c) The head of a facility shall appoint a multidisciplinary committee or committees comprised of five persons to assist in the investigation of alleged incidents of client abuse and/or neglect. This committee shall be called the Client Abuse and Neglect Committee. Four members of the committee shall be staff persons representative of the professional staff, administrative staff, and direct care staff. One member of the committee shall also be a member of the Public

Responsibility Committee for the facility. The terms of membership shall be one year. The head of the facility may reappoint the same staff members for more than one term. One person shall be designated to act as chairperson of this committee and shall be required to maintain all records of investigations conducted by the committee. **When the chairperson is away from the facility during normal working hours, one of the committee members shall be appointed acting chairperson.**

(d) It shall be the duty of the multidisciplinary committee established pursuant to subsection (c) of this section:

(1) to investigate fully alleged incidents of client abuse or neglect within five calendar days from the date the alleged incident is reported to the chairperson **or acting chairperson**. If the committee is unable to complete their investigation within the five-calendar-day period, written justification will be submitted to the head of the facility for approval or disapproval; and

(2) (No change.)

(e) (No change.)

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809172     John J. Kavanagh, M.D.  
                           Commissioner  
                           Texas Department of Mental Health and  
                           Mental Retardation

Proposed Date of Adoption: January 12, 1981

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



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."

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## CODIFIED

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### TITLE 22. EXAMINING BOARDS

#### Part XXIII. Texas Real Estate Commission

##### Chapter 533. Practice and Procedure

The Texas Real Estate Commission amends §533.5 (402.02.00.005) of this title (relating to Computation of Time). No comments concerning the proposed amendment were received and the proposed amendment was adopted with no changes in its text.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§533.5 (402.02.00.005). *Computation of Time.* In computing any period of time prescribed or allowed by these sections, by order of the agency, 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 not a Saturday, Sunday, nor a legal holiday.

Doc. No. 809177

The Texas Real Estate Commission amends §533.16 (402.02.00.016) of this title (relating to Contested Case: Suspension and Revocation of Licensure), with no change in the proposed text.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§533.16 (402.02.00.016). *Contested Case: Suspension and Revocation of Licensure.* A license may not be suspended or revoked except after notice and hearing pursuant to statutory obligation and these rules. The licensee and the sponsoring broker in the case of a salesman licensee are entitled to notice. The hearing shall be held at a time and place designated by the agency, except that upon the written request of the respondent filed within five days after receipt of the notice of hearing, the hearing shall be held in the county where the principal place of business of the respondent is maintained.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809178      Andy James  
                                 Administrator  
                                 Texas Real Estate Commission

Effective Date: December 25, 1980

Proposal Publication Date: September 23, 1980

For further information, please call (512) 475-6693.

### Chapter 535. Provisions of the Real Estate License Act

#### General Provisions Relating to the Requirement of Licensure

The Texas Real Estate Commission amends §535.1 (402.03.01.001) of this title (relating to License Required). Comments were received in support of and in opposition to the proposed amendment. The amendment was adopted with no changes in the proposed text.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§535.1 (402.03.01.001). *License Required.*

(a)-(f) (No change.)

(g) Real estate licensure is required for managers who direct or supervise persons engaged in activities defined in Section 2 of the Act.

(h) (No change.)

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809179      Andy James  
                                 Administrator  
                                 Texas Real Estate Commission

Effective Date: December 25, 1980

Proposal Publication Date: September 30, 1980

For further information, please call (512) 475-6693.

#### Definitions

The Texas Real Estate Commission has withdrawn from consideration for adoption the proposed amendment to §535.11 (402.03.02.001) of this title (relating to Real Estate Defined). The proposed amendment was published in the September 23, 1980, issue of the *Texas Register* (5 TexReg 3833).

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809180      Mark A. Moseley  
                                 Legal Counsel  
                                 Texas Real Estate Commission

Filed: December 4, 1980, 9:27 a.m.

For further information, please call (512) 475-6693.

The Texas Real Estate Commission amends §535.12 (402.03.02.002) of this title (relating to General), with no changes in the proposed text. No comments were received.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

*§535.12 (402.03.02.002). General.*

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

(c) Licensure is not required for a person to list his property with a licensee. Compensation to the owner for granting the listing does not require licensure of the owner.

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

Doc. No. 809181

The Texas Real Estate Commission amends §535.13 (402.03.02.003) of this title (relating to Dispositions of Real Estate), with no changes in the proposed text. No comments were received.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

*§535.13 (402.03.02.003). Dispositions of Real Estate.*

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

(d) Real estate broker licensure is required for the operation of a rental agency. This section does not prohibit employment of an answering service or unlicensed clerical or secretarial employees identified to callers as such to confirm information concerning the size, price, and terms of property advertised.

Doc. No. 809182

## Education, Experience, Educational Programs, Time Periods, and Type of License

The Texas Real Estate Commission amends §§535.61 and 535.63-535.66 (402.03.07.001 and .003-.006) of this title (relating to Education, Experience, Educational Programs, Time Periods, and Type of License), with no change in the proposed text.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendments.

*§535.61 (402.03.07.001). Examinations.*

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

(c) In addition to the letter of authorization, examination proctors shall require personal identification of individuals appearing for an examination and shall deny entrance to anyone who cannot provide adequate identification.

(d)-(k) (No change.)

(l) All examinations are graded based on criteria printed on the instruction sheet furnished with each individual examination. Examination format will be as selected by the commission. A passing score for an entire examination shall require a minimum prescribed score in each section, with such prescribed score printed on the instruction sheet furnished with each examination. Each examinee shall be instructed to read the instruction sheet prior

to beginning the examination, and shall be given an opportunity to ask questions of the examination proctors relative to the instructions, including the grading criteria and procedures.

(m) (No change.)

(n) An examinee observed by the proctor giving or receiving or attempting to give or receive answers to examination questions may have his examination materials confiscated by the proctor and such person shall be dismissed from the examination session. Dismissal may result in disapproval of an application for licensure. A person having his application disapproved for these reasons may appeal the disapproval in the prescribed manner.

(o) The commission may file theft charges against an examinee who removes or attempts to remove an examination or any portion thereof whether by actual physical removal or by transcription.

*§535.63 (402.03.07.003). Brokers: Education and Experience.*

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

(c) For purposes of determining compliance with the requirement of Section 7(c) for two years active experience as a real estate salesman, this period starts with date of actual issuance of license, and inactive periods brought about by lack of broker sponsorship, regardless of the reason, cannot be included as active experience.

(d)-(n) (No change.)

(o) When credit is conferred for a course of study, such credit will be for the complete credit units (classroom hours, semester hours, quarter hour, continuing education unit) offered and presented for the given course. Credit shall not be conferred for partial or any amount of units other than the total units offered in the course of study. Specifically, the commission shall not credit 30 hours of classroom instruction for a course which presents and offers 45 hours of classroom study, nor shall the commission award semester hour credits for any semester hours other than that shown on the transcript as earned credit.

(p)-(t) (No change.)

(u) With respect to the education requirement of 36 semester hours in effect January 1, 1981, through December 31, 1982, the commission shall require not less than six semester hours (90 classroom hours) in courses reflecting a course title or course description in the real estate disciplines including but not limited to the statutory subject areas identified in Section 7(a) and Section 7(k) of the Act. The commission will publish periodically guidelines as to the acceptability of related courses.

(v) With respect to the education requirement of 48 semester hours in effect from January 1, 1983, through December 31, 1984, the commission shall require not less than nine semester hours (135 classroom hours) in courses reflecting a course title or course description in the real estate disciplines including but not limited to the statutory subject areas identified in Section 7(a) and Section 7(k) of the Act. The commission will publish periodically guidelines as to the acceptability of related courses.

(w) With respect to the education requirement of 60 semester hours in effect on and after January 1, 1985, the commission shall require not less than 12 semester hours (180 classroom hours) in courses reflecting course titles or course descriptions in the real estate disciplines including but not limited to the statutory subject areas identified in Section 7(a) and Section 7(k) of the Act. The commission will

publish periodically guidelines as to the acceptability of related courses.

*§535.64 (402.03.07.004). Salesman: Education.*

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

(j) With respect to the education requirement of 21 semester hours in effect from January 1, 1981, through December 31, 1982, the commission shall require not less than six semester hours (90 classroom hours) in courses reflecting a course title or course description in the real estate disciplines including but not limited to the statutory subject areas identified in Section 7(a) and Section 7(k) of the Act. The commission will publish periodically guidelines as to the acceptability of related courses.

(k) With respect to the education requirement of 36 semester hours in effect from January 1, 1983, through December 31, 1984, the commission shall require not less than six semester hours (90 classroom hours) in courses reflecting a course title or course description in the real estate disciplines including but not limited to the statutory subject areas identified in Section 7(a) and Section 7(k) of the Act. The commission will publish periodically guidelines as to the acceptability of related courses.

*§535.66 (402.03.07.006). Educational Programs: Accreditation.*

(a)-(u) (No change.)

(v) Each school shall inform the commission of the enrollment for each course offering promptly upon completion of the registration process. Enrollees' names should be listed in alphabetical order and numbered serially. At the termination of each course, each school will promptly inform the commission of the final grade results for each enrollee. Student names should again be alphabetized and numbered exactly as they were on the enrollment list. Results reported to the commission shall be "passed," "failed," "incomplete," or in language or symbols that can be correlated with these categories. Any other result will require a concise but clear explanation. Failure adequately to report student accountability in an efficient and prompt manner may be grounds for reprimand, probation, suspension, or withdrawal of accreditation of the school's educational program by the commission.

(w)-(dd) (No change.)

(ee) The commission may place on probation, suspend operation, or withdraw the accreditation of a school should it be determined that the school's financial condition is insufficient for continuing operation.

(ff)-(mm) (No change.)

(nn) The commission may place on probation, suspend operation, or withdraw accreditation of a school or course offered by a school for a violation of these sections or for other good cause as determined by the commission. The commission may place on probation, suspend operation, or withdraw accreditation of a school or course for the failure of the school's operator or owner to provide within 15 days information requested by commission staff as a result of a formal or informal complaint to the commission which would indicate a violation of these sections.

(oo) Students will be required to attend 30 classroom hours of instruction in a commission-approved course which confers by certification 30 classroom hours of credit. Students will be required to attend 45 classroom hours of instruction in a commission-approved course which confers by certification 45 classroom hours of credit. In all cases, in

commission-approved courses, when classroom hours are conferred by certification, the number of hours conferred shall not exceed the number of hours the student was actually present in the classroom or for the number of hours approved by the commission for an internship program.

(pp)-(qq) (No change.)

(rr) A school planning development of a complete program of study should base its program on but not limit its program to the following subject areas as provided below by course level:

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

(4) Internship courses. A school may develop internship courses in conjunction with students and current or potential employers, that would provide job training, classroom, or special assignment training for selected students. These students must have previously completed no less than 60 classroom hours of real estate courses or 30 hours of real estate courses and be concurrently enrolled in another 30- or 45-hour real estate course with the internship training. The training program shall be individually developed for each student based on that student's background, goals, and needs. Each individual program shall be submitted to and approved by the commission prior to implementation. A 30-classroom-hour credit program shall require not less than four weeks job training of not less than 20 hours per week training credit certified by the employer. A 45-classroom-hour program shall require not less than six weeks job training of not less than 20 hours per week training credit certified by the employer. Not less than 1/2 of the material contained in each program shall be material not previously covered in prior formal training or routine daily tasks. The remainder may be a continuation of training in areas previously covered. Each program shall include at least two review periods when a commission-approved school official or designated representative will meet with the student and review training progress and special assignments and administer examinations if appropriate. One review shall be at the midpoint of training and one review shall be upon completion. Reviews shall be conducted at the school facility or the training site as specified in the training outline. A weekly schedule of training tasks to be performed showing subjects to be covered and number of hours per subject shall be required. Examinations and/or special assignment projects shall be a part of each program. Applications for approval of these programs shall include a complete listing of the student's real estate education and experience, a brief explanation of what the student wishes to accomplish in the program, the address of training site, and the address of employer/trainer. Applications shall also include certification of the employer/trainer's understanding of his responsibilities in the program and his awareness of the provisions of Section 15(2) of the Act. Schools shall not use this program in such a manner as to permit an unlicensed student to circumvent the licensure requirements of the Act. Training program tasks shall be developed in such a manner that unlicensed students are not required to engage in activities for which real estate licensure is required. No more than 90 classroom hours credit per student shall be earned through internship programs.

## Hearing on Suspension or Revocation of Licensure

The Texas Real Estate Commission amends §535.171 (402.03.17.002) of this title (relating to Subpoenas and Fees). The text was changed to include travel to and from the place of the hearing for which a witness was subpoenaed. No comments were received.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§535.171 (402.03.17.002). *Subpoenas and Fees.*

(a) (No change.)

(b) A witness or deponent who is not a party and who is subpoenaed or otherwise compelled to attend any hearing or proceeding to give a deposition or to produce books, records, papers, or other objects that may be necessary and proper for the purposes of the proceeding is entitled to receive mileage of \$ .20 a mile for going to and returning from the place of the hearing or where the deposition is taken, if the place is more than 25 miles from the person's place of residence and a fee of \$20 a day for each day or part of a day the person is necessarily present as a witness or deponent.

Doc. No. 809184

## Penalty for Unlicensed Activity

The Texas Real Estate Commission amends §535.181 (402.03.19.001) of this title (relating to Penalty), with no changes from the proposed text. No comments were received.

The Texas Real Estate Commission, by authority of Article 6573a, Vernon's Texas Civil Statutes, adopts the following amendment.

§535.181 (402.03.19.001). *Penalty.* If the Texas Real Estate Commission receives information that indicates that a person has engaged in unlicensed activity, it shall conduct an investigation to determine if such information is accurate. If the information establishes evidence to indicate a probable violation of the Act, the commission may file a complaint, alleging unlicensed activity, with the appropriate law enforcement official or take such other action as may be necessary and proper.

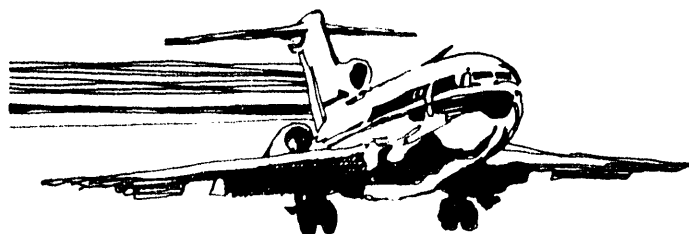
Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809185      Andy James  
Administrator  
Texas Real Estate Commission

Effective Date: December 25, 1980

Proposal Publication Date: September 23, 1980

For further information, please call (512) 475-6693.



## NONCODIFIED

## Texas Department of Mental Health and Mental Retardation

### Texas Board of MH/MR

#### Duties 302.01.04

The Texas Department of Mental Health and Mental Retardation amends Rule 302.01.04.011 concerning appointments of the board, with changes in the text as proposed. Paragraph (3) of subsection (b) has been deleted, and the language within that paragraph has been incorporated into paragraph (2). Paragraph (2) now provides that candidates for the positions described in this rule may be interviewed at the initial meeting of the Personnel Committee of the board or at a subsequent meeting.

Pursuant to the authority contained in Section 2.11 of Article 5547-202, Texas Civil Statutes, Rule .011 is amended to read as follows:

.011. *Other Appointments.*

(a) The board shall approve the following other appointments:

(1)-(5) (No change.)

(b) The following procedure shall be utilized in this approval process:

(1) The commissioner shall select an individual for appointment to these positions.

(2) The commissioner shall meet with the Personnel Committee of the board in order to discuss the merits of the most qualified candidates as determined by the commissioner and to set out the basis for his selection to fill the vacant position. Either at this meeting or at a subsequent meeting of the Personnel Committee, candidates for the vacant position may be interviewed at the discretion of the committee and action may be taken by the committee on the commissioner's selection for appointment to the vacant position.

Issued in Austin, Texas, on December 5, 1980.

Doc. No. 809242      L. Gray Beck  
Board Chairman  
Texas Department of Mental Health and  
Mental Retardation

Effective Date: December 26, 1980<sup>1</sup>

Proposal Publication Date: October 17, 1980

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

## Client (Patient) Care

### Public Responsibility Committees 302.04.09

The Texas Department of Mental Health and Mental Retardation adopts amendments to Rule 302.04.09.005, pursuant to the authority contained in Section 2.11(b) of Article 5547-202, Texas Civil Statutes.

**.005. Membership.**

(a) At least seven but not more than 12 persons who are neither affiliated with the facility nor are patients or clients shall be selected by the Executive Committee of each facility's volunteer services council to serve voluntarily as members of the PRC. Members of the Volunteer Services Executive Committee shall not be eligible to be members of the PRC.

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

(e) Members shall be appointed to serve a one-year term. No member shall serve more than four consecutive terms. A current roster of all PRC members will be maintained by volunteer services, Central Office, and may be forwarded to the advocacy system.

(f)-(h) (No change.)

(i) A member who, in the absence of an acceptable reason, fails to attend two consecutive meetings of the PRC shall automatically be dropped from membership.

(j) (No change.)

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809173      John J. Kavanagh, M.D.  
Commissioner  
Texas Department of Mental Health and  
Mental Retardation

Effective Date: December 24, 1980  
Proposal Publication Date: September 23, 1980  
For further information, please call (512) 465-4591.

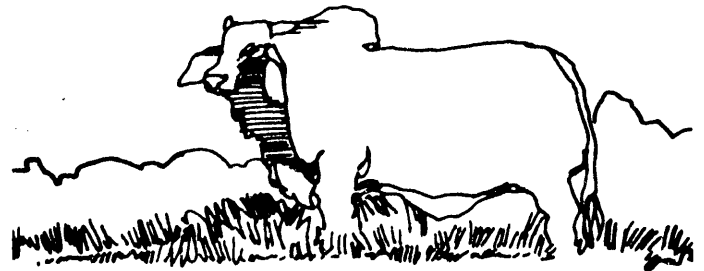
**Prescribing of Psychoactive Drugs 302.04.39**

The Texas Department of Mental Health and Mental Retardation has withdrawn from consideration for adoption proposed Rule 302.04.39.004, Subject Content. The text of the new rule as proposed was published in the October 2, 1979, issue of the *Texas Register* (4 TexReg 3589).

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809174      Harry Deckard  
Legal Clerk  
Texas Department of Mental Health and  
Mental Retardation

Filed: December 3, 1980, 4:56 p.m.  
For further information, please call (512) 465-4591.





The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## Texas Animal Health Commission

**Saturday, December 6, 1980, 9 a.m.** The Texas Animal Health Commission held an emergency revised meeting in Room 503G of the Sam Houston Building, Austin. According to the agenda summary, the commission conducted an administrative hearing for A. T. Gill of El Indio pursuant to procedures set forth in the tick eradication rules; the commission discussed action on a suspected outbreak of laryngotracheitis in a poultry flock; and met in an executive session of commissioners. A premise quarantine affecting a crop of hay that needed to be cut and baled and the manner of harvesting was to be determined by the decision of the commission. There was also a suspected outbreak of laryngotracheitis in a poultry flock.

Information may be obtained from Jo Anne Conner, Sam Houston Building, Room 1015, Austin, Texas, (512) 475-1111.

Filed: December 5, 1980, 11:05 a.m.  
Doc. No. 809229

## State Banking Board

**Monday, December 8, 1980, 2 p.m.** The State Banking Board met in emergency, rescheduled session at 2601 North Lamar, Austin, to conduct a voting session which included: charter applications for Citizens Bank and Trust, Manvel, and First Western Bank, Houston; conversion of the Commonwealth National Bank of Dallas, Dallas, to a state bank, Commonwealth Bank of Dallas; interim charter applications for Katy State Bank, Houston, Greens Road State Bank, Houston, and New Jersey Village Bank, Houston; domicile change and adoption of corporate powers "b," "c," "d," and "f" for Commercial Credit Bank of Dallas, Dallas; domicile changes for First City Bank of Humble, Humble and Mid-County Bank and Trust, Port Neches; and consideration of extent of rehearing for the charter application for First City Bank—Addison, Addison. The lack of a quorum for the meeting scheduled for December 4, 1980, forced its cancellation.

An emergency meeting of the board was necessary to consider the pressing nature of the agenda items.

Information may be obtained from O. A. Cassity, 2601 North Lamar, Austin, Texas 78701, (512) 475-4451.

Filed: December 5, 1980, 3:40 p.m.  
Doc. No. 809238

## Coordinating Board, Texas College and University System

**Thursday, December 18, 1980, 10 a.m.** The Administrative Council of the Coordinating Board Texas College and University System will meet in Room 209 of the Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board will consider the following: final adoption of proposed amendments to Rules 251.20.02.001—Basic Procedural Administrative Practices, 251.20.02.002—Definition of Disabled Retiree, 251.20.02.003—Basic Coverage Standards, and 251.20.02.002—Definitions; consider proposed amendment to Rule 251.20.02.002—Definition of Retiree; discuss administrative costs charged by carriers; and institutional program review. Hear executive secretary's report; receive Advisory Committee recommendations; and discuss recommendations to the 64th Legislature regarding the optional retirement program.

Information may be obtained from James McWorter, P.O. Box 12788, Austin, Texas 78711.

Filed: December 4, 1980, 4:20 p.m.  
Doc. No. 809197

## East Texas State University

**Friday, December 5, 1980, 10:30 a.m.** The East Texas State University Board of Regents made an emergency addition to the agenda of a meeting held in the Sheraton Inn—Mockingbird West, 1893 West Mockingbird Lane, Dallas, to consider removal of graduate credit awarded certain students in Chemistry. There was an immediate need to resolve this matter due to its impact to the university (disclosed by completion of investigation December 1, 1980).

Information may be obtained from Charles Morrow, East Texas State University, Commerce, Texas 75428, (214) 886-5026.

Filed: December 4, 1980, 2:27 p.m.  
Doc. No. 809194

## Good Neighbor Commission

**Wednesday, December 17, 1980, 2:30 p.m.** The Executive Committee of the Good Neighbor Commission will meet at the Sheraton Crest Hotel, Austin, to screen applications for executive director of the agency.

Information may be obtained from Bob Watson, 507 Sam Houston Building, Austin, Texas, (512) 475-3581.

Filed: December 8, 1980, 9:32 a.m.  
Doc. No. 809251



## Texas Health Facilities Commission

**Friday, December 19, 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

- Retama Manor Nursing Home East, Laredo  
AN80 0724 022
- Bowie County Rural Medical Clinic, Inc., De Kalb  
AO80 0721 019
- Surgical Center of Corpus Christi, Corpus Christi  
AS80 0630 015
- Hillside Lodge Nursing Center, Beeville  
AN80 0707 019
- Scott and White Memorial Hospital, Temple  
AH80 0801 020
- Southwest General Hospital, San Antonio  
AH80 1114 022
- Wilharger General Hospital, Vernon  
AH80 0904 018
- Hendrick Medical Center, Abilene  
AH80 0721 017
- Henderson Memorial Hospital, Henderson  
AH80 0908 048
- Austin Adult Day Health Center, Austin  
AO80 1006 022
- Starr County Memorial Hospital, Rio Grande City  
AH80 0711 011
- Spohn Hospital, Corpus Christi  
AH80 0630 006  
AH80 0630 028  
AH80 0630 041
- Plano General Hospital, Plano  
AH80 0417 028

### Exemption Certificate

- Brownsville Medical Center, Brownsville  
AH80 1015 005
- Corpus Christi Osteopathic Hospital, Corpus Christi  
AH80 1110 012
- All Saints Episcopal Hospital, Fort Worth  
AH80 1117 019  
AH80 1117 025
- Texas Children's Hospital, Houston  
AH80 1022 002  
AH80 1103 033
- White Settlement Hospital, White Settlement  
AH80 1023 021
- Doctors Hospital of Laredo, Laredo  
AH80 1110 023
- St. Luke's Episcopal Hospital, Houston  
AH80 1103 039
- Harris Hospital Methodist, Fort Worth  
AH80 1030 015
- The Methodist Hospital, Houston  
AH80 1024 034
- Medical Plaza Hospital, Fort Worth  
AH80 1027 011
- St. Elizabeth Hospital, Beaumont  
AH80 1016 006
- Welcome Home for the Blind and Aged, San Antonio  
AN80 1103 023
- Foard County Hospital, Crowell  
AH80 1027 027

- Knapp Memorial Methodist Hospital, Weslaco  
AH80 1103 017
- Mission Road Development Center, San Antonio  
AO80 1017 001

### Declaratory Ruling

- Victoria Family Planning Project, Victoria  
AS80 1107 015

### Amendment of Exemption Certificate Order

- Mercy Hospital, Slaton  
AH80 0226 008A(111380)
- Atlanta Memorial Hospital, Atlanta  
AH80 0211 017A(101080)
- Clifton Lutheran Sunset Home, Clifton  
AN80 0324 005A(111080)

### Transfer of Certificate of Need

- Highland Park Hospital, El Paso  
AH79 1219 016T(102280)

### Amendment of Certificate of Need Order

- Humble Skilled Care Facility, Humble  
AN79 1030 013A(111080)
- Highland Park Hospital, El Paso  
AH79 1219 016A(102280)
- Leggett Memorial Hospital, Inc., Cleveland  
AH78 0628 022A(102780)
- Alvin Community Hospital, Alvin  
AH79 1221 002A(102080)

### Motion for Reconsideration/Rehearing

- South Austin Community Hospital, Austin  
AH80 0319 021

The commission will consider the adoption of amendments to Commission Rules 315.16.02.060 and 315.16.02.228, and adoption of new commission Rule 315.17.03.100.

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

Filed: December 8, 1980, 3:41 p.m.  
Doc. No. 809257

## Texas Historical Commission

**Wednesday, December 17, 1980, 9:30 a.m.** The Texas Antiquities Committee of the Texas Historical Commission will meet in Room 104 of the Texas Law Center, 1414 Colorado, Austin. According to the agenda summary, the committee will approve and consider the following: minutes of the September 3 and October 21, 1980, meetings; adoption of definitions section of Procedural Rules 635.10.10.001, 0080; adopting rules to protect underwater cultural resources; brief of Sam Houston home; progress on state archeological land mark guidelines; list of historic buildings to be considered for nomination as state archeological landmarks; extension of Permits 35 and 88 for the THD; changes to rules of practice and procedure concerning authorship requirements, limitations of work under permit, and time period of permit.

Information may be obtained from Cindy Hopkins, 105 West 16th Street, Austin, Texas, (512) 475 6328.

Filed: December 8, 1980, 11:48 a.m.  
Doc. No. 809250

## University of Houston

**Monday, December 15, 1980, 9:30 a.m.** The Budget and Finance Committee of the University of Houston Board of Regents will meet in Room 510 of the Houston United Bank Building, 4600 Gulf Freeway, Houston. According to the agenda summary, the committee will open the bank account lock box for KUHF TV; report on endowment fund investment changes for UH/Central Campus; hear gift reports for all components; discuss the use of earnings from the UH/Clear Lake City bond fund investments, and discuss other business.

Information may be obtained from Deborah Selden, 4800 Calhoun, Houston, Texas 77004, (713) 749-7545.

Filed: December 9, 1980, 9:16 a.m.  
Doc. No. 809276

**Wednesday, December 17, 1980, 2 p.m.** The Investment Committee of the University of Houston Board of Regents will meet in Room 2907, Two Houston Center, Houston. According to the agenda, the committee will discuss and review the investment portfolio.

Information may be obtained from Deborah Selden, Suite 500, 4600 Gulf Freeway, Houston, Texas 77023.

Filed: December 9, 1980, 9:16 a.m.  
Doc. No. 809277

**Monday, January 5, 1980, 8 a.m.** The Broadcasting, Development and Public Affairs Committee of the University of Houston Board of Regents will meet in the board room, 220 Ezekiel Cullen Building, University of Houston/Central Campus, Houston. According to the agenda summary, the committee will discuss and/or approve the following: status report on Stations KUHF TV and KUHF FM; report on "Tall Tower" negotiations, and other business.

Information may be obtained from Deborah Selden, 4800 Calhoun, Houston, Texas 77004, (713) 749-7545.

Filed: December 9, 1980, 9:16 a.m.  
Doc. No. 809278

## Industrial Accident Board

**Friday, December 12, 1980, 9:30 a.m.** The Industrial Accident Board will hold an emergency rescheduled meeting on the first floor, 200 East Riverside Drive, Austin. According to the agenda, the Texas Workers Compensation Advisory Committee, established by Senate Concurrent Resolution 103, 66th Legislature, Regular Session 1979, will meet to adopt proposed remedial legislation for submission to the 67th Legislature, concerning changes to the Workers Compensation Law, Article 8306 through Article 8309. The emergency rescheduling of the meeting was necessary in order to give the subcommittee of the Texas Workers Com-

pensation Advisory Committee additional time to make recommendations to the full committee on proposed remedial legislation.

Information may be obtained from William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 475-4538.

Filed: December 8, 1980, 10:15 a.m.  
Doc. No. 809247

## State Board of Insurance

**Tuesday, December 16, 1980, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket FM 005- application for fire extinguisher license by Charles K. Humber.

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. No. 809258

**Tuesday, December 16, 1980.** The Commissioner's Hearing Section of the State Board of Insurance at 1110 San Jacinto, Austin, will meet at the times listed below to conduct public hearings in the following dockets:

**10:30 a.m.** In Room 350- Docket 6238, concerning application for admission of Allianz Minnesota Life Insurance Co., Minneapolis, Minnesota.

**1:30 p.m.** In Room 342- Docket 6221, concerning failure to timely file 1979 annual statement by Knights of Peter Claver, New Orleans, Louisiana.

**3 p.m.** In Room 342- Docket 6237, concerning incorporation of XYZ Life Insurance Co., Waco.

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. Nos. 809259-809261

**Wednesday, December 17, 1980.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times listed below to conduct rescheduled public hearings in the following dockets:

**9 a.m.** Docket 6208- application by American Standard Life and Accident Insurance Co., Emid, Oklahoma, to acquire Keystone Life Insurance Co., of Texas, Carrollton (rescheduled from November 21, 1980).

**1:30 p.m.** Docket 6216- application for admission by Clubb Colonial Life Insurance Co., of America, Dover, Delaware (rescheduled from December 10, 1980).

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. Nos. 809262 and 809263

**Wednesday, December 17, 1980, 3 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6242—application for admission to Texas by Security Connecticut Insurance Corp., Avon, Connecticut.

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. No. 809264

**Thursday, December 18, 1980.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times listed below to conduct public hearings in the following dockets:

**9 a.m.** Docket 6231—merger agreement whereby Friendly Life Insurance Co., an Arizona corporation, will be merged into Crossroads Insurance Co., a Texas corporation, with Crossroads Insurance Co., being the survivor

**1:30 p.m.** Docket 6218—application for admission by New Jersey Life Insurance Co., Saddle Brook, New Jersey

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. Nos. 809265 and 809267

**Thursday, December 18, 1980.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times listed below to conduct rescheduled public hearings in the following dockets:

**10:30 a.m.** Docket 6176—application for admission by Gulf Life Group Insurance Company, Jacksonville, Florida (rescheduled from December 11, 1980)

**3 p.m.** Docket 6215—revocation of Group I, Group II, and local recording agent (individual and corporate) licenses belonging to Joseph Hardaway (rescheduled from December 11, 1980)

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

Filed: December 8, 1980, 3:48 p.m.  
Doc. Nos. 809266 and 809268

**Friday, December 19, 1980, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance will conduct a hearing in Room 342, 1110 San Jacinto Street, Austin, to consider application for fire extinguisher service license by Richard Finchum.

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

Filed: December 8, 1980, 3:49 p.m.  
Doc. No. 809269

**Friday, December 19, 1980, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, in Docket 6243—to consider merger agreement whereby Interservice Life Insurance Co., an Arizona corporation, will be merged into Community Insurance Co., a Texas insurance company organized under Chapter 3 of the Texas Insurance Code with Community Insurance Co., being the surviving corporation.

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

Filed: December 8, 1980, 3:49 p.m.  
Doc. No. 809270

**Monday, December 22, 1980.** The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto, Austin, at the times listed below to conduct public hearings in the following dockets:

**9 a.m.** Docket 6223—approval of articles of agreement concerning Home Lloyd's Insurance Co., of Texas, Dallas

**2 p.m.** Docket 6224—approval of articles of agreement concerning CU Lloyd's of Texas, Dallas

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

Filed: December 8, 1980, 3:49 p.m.  
Doc. Nos. 809271 and 809272

## Merit System Council

**Wednesday, December 10, 1980, 9:30 a.m.** The Merit System Council held an emergency meeting in Room 507 of the Brown Building, 8th and Colorado Streets, Austin, to appeal a hearing. The attorney for the appellant was unable to confirm appearance at the hearing until December 4, 1980.

Information may be obtained from Thomas A. Davidson, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: December 5, 1980, 8:45 a.m.  
Doc. No. 809198

## Board of Pardons and Paroles

**Monday and Tuesday, December 22 and 23, 1980, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole, review procedures affecting the day to day operation of support staff, review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency, and take action upon gubernatorial directives.

Information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: December 9, 1980, 9:17 a.m.  
Doc. No. 809279

## Public Utility Commission of Texas

**Thursday, December 18, 1980, 1:30 p.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3559—application of Dogwood Realty Co., for a rate increase for water utility service within Anderson County.

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

Filed: December 8, 1980, 10:08 a.m.  
Doc. No. 809252

**Friday, December 19, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 3281, 3283, and 3285—applications of Houston Lighting and Power Co., for a certificate of convenience and necessity to construct lignite generating stations and associated transmission lines within Limestone, Freestone, Leon, and Robertson Counties.

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

Filed: December 5, 1980, 4:08 p.m.  
Doc. No. 809240

**Monday, January 12, 1981, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 3348 and 3417—application of Texoma Services Corp., for a rate increase within Grayson County and appeal from the rate determination of the City of Southmayd.

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

Filed: December 5, 1980, 4:08 p.m.  
Doc. No. 809241

**Thursday, February 12, 1981, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3350—application of Concho Valley Electric Cooperative, Inc., for a rate increase.

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

Filed: December 8, 1980, 10:08 a.m.  
Doc. No. 809253

## Railroad Commission of Texas

**Monday, December 8, 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. According to the agenda, the division considered Gas Utilities Docket 2712—statement of intent filed by Amoco Gas Co., to change industrial rates to Houston Pipe Line Co. Consideration of this matter on less than seven days' notice was required as a matter of urgent public necessity because the suspension period expired before the next scheduled commission meeting.

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

Filed: December 5, 1980, 10:17 a.m.  
Doc. No. 809220

**Monday, December 15, 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, the commission will go into executive session to discuss personnel actions for all divisions and consult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

Information may be obtained from Carla S. Doyno, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: December 5, 1980, 10:16 a.m.  
Doc. No. 809221

**Monday, December 15, 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 2726, 2821, 2801, 2810 and the director's report.

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

Filed: December 5, 1980, 10:19 a.m.  
Doc. No. 809222

**Monday, December 15, 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: December 5, 1980, 10:17 a.m.  
Doc. No. 809223

**Monday, December 15, 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: December 5, 1980, 10:17 a.m.  
Doc. No. 809224

**Monday, December 15, 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, concerning proposed NGPA state alternative filing requirements.

Information may be obtained from Priscilla M. Hubenak, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1278.

Filed: December 5, 1980, 10:18 a.m.  
Doc. No. 809225

**Monday, December 15, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes additions to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The additions concern 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 Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1273.

Filed: December 5, 1980, 10:18 a.m.  
Doc. No. 809226

**Monday, December 15, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of Dockets 8-75608 and 8-75609—Adobe Oil and Gas Corp., for MIPA, Scott (Cherry Canyon) Field, Ward County, and Barstow (Ellenburger) Field, Ward County.

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

Filed: December 5, 1980, 3:28 p.m.  
Doc. No. 809237

**Monday, December 15, 1980, 9 a.m.** The Surface Mining 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 Docket 005E—application for revision to Texas Utilities Generating Co., Permit 005, to add approximately 6,000 acres to the existing permit area at its Monticello Winfield mining operation in Titus County, located just southwest of Winfield; and discuss the director's report.

Information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1176.

Filed: December 5, 1980, 10:17 a.m.  
Doc. No. 809227

**Monday, December 15, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet at 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.

Filed: December 5, 1980, 10:18 a.m.  
Doc. No. 809228

## School Land Board

**Tuesday, December 16, 1980, 10 a.m.** The School Land Board will meet in Conference Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider pooling applications; application for suspension of leases; coastal public lands—easement applications; cabin permit transfer requests; cabin permit alteration—rebuilding requests; cabin permit termination requests; and coastal public lands report—cabin permit renewals.

Information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, (512) 475-2071.

Filed: December 8, 1980, 10:49 a.m.  
Doc. No. 809248

## Sunset Advisory Commission

**Monday, December 15, 1980, 9 a.m.** The Sunset Advisory Commission will meet in Room 309, House Appropriations Committee Room, Austin. According to the agenda, the commission will consider the draft of the final report and recommended legislation on agencies under Sunset Advisory Commission review.

Information may be obtained from Cindy Unsell, 203 Reagan Building, Austin, Texas 78701, (512) 475-6565.

Filed: December 5, 1980, 4:03 p.m.  
Doc. No. 809239

## Texas Surplus Property Agency

**Wednesday, December 17, 1980, 1 p.m.** The Governing Board of the Texas Surplus Property Agency will meet in the Statesman Room, Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda, the board will approve minutes of the last board meeting, discuss bad debt write off, review financial statement, discuss the 1979 state audit report, and hear a report on surcharge, and the executive director's report.

Information may be obtained from Robert A. Davis, Jr., Box 8120, Wainwright Station, San Antonio, Texas 78208, (512) 661-2381.

Filed: December 5, 1980, 10:39 a.m.  
Doc. No. 809218

## Advisory Council for Technical-Vocational Education in Texas

**Tuesday, January 6, 1981, 10 a.m.** The Advisory Council for Technical Vocational Education in Texas will meet in the state board room, Texas Education Agency, 150 East River

side Drive, Austin. According to the agenda summary, the council will review the 11th annual report of the Advisory Council to the State Board of Education; hear reports from Advisory Council Committee chairman; receive a presentation on the work of the National Women's Employment and Education, Inc.; and receive a presentation from the Center for Education and Research in Free Enterprise at Texas A&M University.

Information may be obtained from Valeria Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: December 8, 1980, 3:55 p.m.  
Doc. No. 809273

## University of Texas

**Thursday and Friday, December 11 and 12, 1980, 10 a.m. and 9 a.m., respectively.** The University of Texas Board of Regents met in the Regents' meeting room, ninth floor of Ashbel Smith Hall, 201 West 7th, Austin. According to the agenda summary, the board considered the following matters: the October 1980 minutes; chancellor's docket (index submitted by system administration); amendments to regents' rules and regulations; budgetary amendments; academic and developmental matters; increase in student services fee—University of Texas, Arlington; development of plans for a 300 inch telescope; buildings and grounds matters; land and investment matters; acceptance of gifts and establishment of endowed funds; oil and gas leases; health related matters; affiliation agreements (proposals to coordinating board); University of Texas, Austin—sale of bonds, combined fee revenue, \$7,500,000, married student housing, \$5,750,000, and related matters; request to place apartment revenue bonds for Houston Health Science Center and related matters; allocation of building use and general fees for certain series of bonds—University of Texas, Austin; pending litigation; negotiated contracts; and personnel matters.

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

Filed: December 5, 1980, 1:47 p.m.  
Doc. No. 809232

## Texas Water Commission

**Monday, December 15, 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 district bond issues, use of surplus funds, water quality permits, amendments and renewals, production area authorization water rights application, extension of time, dismissal of application, and filing and setting of hearing dates.

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

Filed: December 5, 1980, 2:47 p.m.  
Doc. No. 809235

**Tuesday, December 16, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application of Roland M. Meffert, et al., for an extension of time for commencement and completion of construction under Permit 3728, Blanco County.

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

Filed: December 8, 1980, 3:12 p.m.  
Doc. No. 809256

**Wednesday, January 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 1218D of Chocolate Bayou Water Co., for an amendment to Permit 1145, as amended, to eliminate the provision in Permit 1145, as amended, which restricts water usage for irrigation to two acre feet per acre per year in Fort Bend and Brazoria Counties, Brazos River Basin.

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

Filed: December 4, 1980, 11:13 a.m.  
Doc. No. 809190

**Wednesday, January 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 1112B of Richmond Irrigation Co., a Texas Limited Partnership, and Houston Lighting and Power Co., for an amendment to Permit 1041, as amended, to eliminate the permit provision which restricts water usage for irrigation to two acre-feet per acre per year in Fort Bend County, Brazos River Basin.

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

Filed: December 4, 1980, 11:13 a.m.  
Doc. No. 809191

**Wednesday, January 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Applications 1427C, 1340C, 1341D, and 1401A by Chocolate Bayou Water Co., to eliminate the provision in Permit 1337, as amended, which restricts water usage for irrigation to four acre feet per acre per year for rice irrigation and two acre feet per acre per year for other irrigation; eliminate the provision in Permit 1255, as amended, which restricts water usage for irrigation to two and one-half acre feet per acre per year; eliminate the provision in Permit 1256, as amended, which restricts water usage for irrigation to four acre feet per acre per year for rice irrigation and to two acre-feet per acre per year for other irrigation; and eliminate the

provision in Permit 1310, which restricts water usage for irrigation to two acre feet per acre per year in Brazoria and Galveston Counties, San Jacinto Brazos Coastal Basin.

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

Filed: December 4, 1980, 11:08 a.m.  
Doc. No. 809192

**Wednesday, January 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Applications 1108I and 1381C of the Brazos River Authority to amend Permit 1040, as amended, to eliminate the provision restricting water usage for irrigation to two acre-feet of water per acre per year in Fort Bend, Brazoria, Galveston, and Harris Counties, Brazos River Basin and San Jacinto-Brazos Coastal Basin; and to eliminate the provision in Permit 1299, as amended, which restricts water usage for irrigation to two acre-feet per acre per year in Fort Bend, Brazoria, and Galveston Counties, Brazos River Basin and within the San Jacinto-Brazos Coastal Basin.

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

Filed: December 4, 1980, 11:09 a.m.  
Doc. No. 809193

**Friday, January 16, 1981, 10 a.m.** The Texas Water Commission will meet in the county courtroom, Houston County Courthouse, Crockett. According to the agenda summary, the commission will conduct a hearing on a permit application filed by Chemical Manufacturing Exchange, Inc., Crockett, to authorize an intermittent, variable flow of storm water discharge from the Latexo Plant which manufactures specialty chemicals used for water treatment and oil and gas exploration well process waste water. All process area wash water, boiler blowdown, and noncontact cooling water are routed to an aeration lagoon and thence to a storage tank for reuse in the process. Excess storage tank water is transported to an approved off site disposal area.

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

Filed: December 8, 1980, 10:41 a.m.  
Doc. No. 809254

## Texas Water Development Board

**Tuesday, December 16, 1980, 8:30 a.m.** The Texas Water Development Board will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda summary include the following: approval of minutes; status of Development Fund; financial assistance to the City of Snook; contracts with Texas A&M, Texas Tech, and Colorado River Municipal Water District; contract for engineering services for an inflow exchange study of the Nueces and Mission-Aransas estuaries; contract with University of Texas Marine Science Institute; status of the Federal Construction

Grants Program and grant increases for the Cities of Port Arthur, Greenville, and Elgin; primacy application for the Underground Injection Control Program; public hearing on the State of Texas Surface Water Quality Standards; adoption of proposed rules; and executive session to discuss litigation matters.

Information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: December 8, 1980, 10:40 a.m.  
Doc. No. 809249

## Texas Department of Water Resources

**Wednesday, January 7, 1981, 2 p.m.** The Texas Department of Water Resources will conduct a public hearing in Room C-D of the Clear Lake City Recreation Center, 16511 Diana Lane, Houston. According to the agenda summary, the department will receive evidence from the public on the proposed action of the Texas Water Development Board to adopt amendments to Rules 156.21.05.001-.003, which relate to effluent quality criteria for discharges of waste water within the Clear Lake Watershed.

Information may be obtained from Clyde E. Bohmfalk, P.O. Box 13087, Austin, Texas (512) 475-3454.

Filed: December 4, 1980, 11:08 a.m.  
Doc. No. 809189

## Regional Agencies

### Meetings Filed December 4, 1980

**The Blanco County Appraisal District** met at the Blanco School Administration Building, Blanco, on December 9, 1980, at 4 p.m. Information may be obtained from Joy Brussel, P.O. Box 725, Blanco, Texas 78606, (512) 833-4414.

**The Golden Crescent Council of Governments**, Board of Directors, met in the LaSalle Room of the Victoria Bank and Trust Building, 120 South Main, Victoria, on December 10, 1980, at 5 p.m. Information may be obtained from Robert W. Burr, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

**The Gulf Bend MH/MR Center**, Board of Trustees, will meet in the conference room, 2105 Port Lavaca Drive, Victoria, on December 18, 1980, at noon. Information may be obtained from T. G. Kelliher, Jr., 2105 Port Lavaca Drive, Victoria, Texas 77901, (512) 578-5262.

**The Heart of Texas Council of Governments**, Executive Committee, met in the conference room of the Bellmead Community Center, 3900 Parrish, Bellmead, on December 11, 1980, at 5:30 p.m. The Board of Directors also met in the Bellmead Community Center on the same day at 6:30 p.m. Information may be obtained from Marcia Ross and Helen Zuehlke, respectively, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

**The Lamb County Appraisal District**, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on December 18, 1980, at 7:30 p.m. Information may be obtained from Pat Brownd, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

**The North Texas Multi-Region Processing Center, Management Committee,** met at the Region 10 Education Service Center, 400 East Spring Valley, Richardson, on December 11, 1980, at 10 a.m. Information may be obtained from H. W. Goodgion, P.O. Box 1300, Richardson, Texas 75080, (214) 231-6301.

**The West Central Texas Council of Governments, Manpower Advisory Committee,** met in the central office meeting room, West Central Texas Council of Governments, 1025 East North 10th Street, Abilene, on December 11, 1980, at 10:30 a.m. Information may be obtained from Brad E. Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

Doc. No. 809188

## Meetings Filed December 5, 1980

**The Education Service Center, Region I, Board of Directors,** will meet at the Holiday Inn Civic Center, Expressway 83 and Second Street, McAllen, on December 12, 1980, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

**The Ellis County Tax Appraisal District** met at 411 Gibson Street, Waxahatchee, on December 11, 1980, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 217, Waxahatchee, Texas 75167, (214) 937-3552.

**The Harris County Appraisal District** met at 1750 Seamist, Houston, on December 8, 1980, at 1:30 p.m. Information may be obtained from Searcy German, 1750 Seamist, Houston, Texas 77008, (713) 861-2530.

**The Hockley County Appraisal District, Board of Directors,** will meet in the board room, South Plains College, on December 15, 1980, at 7:30 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9611.

**Texas Municipal Power, Audit and Budget Committee,** met in the fourth floor conference room, Garland City Hall, 200 North Fifth Street, Garland, on December 10, 1980, at 2 p.m. The Board of Directors met at the agency offices, 2225 East Randol Mill Road, Arlington, on December 11, 1980, at 9 a.m. Information may be obtained from Joel T. Rodgers, 225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-1100.

**The Palo Pinto Appraisal District,** met at 603 South Oak, Mineral Wells, on December 11, 1980, at 7 p.m. Information may be obtained from Harold H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-6871.

**The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Alliance,** met in the Panhandle Regional Planning Commission Conference Room, first floor of the Amarillo Building, 3rd and Polk, Amarillo, on December 10, 1980, at 3 p.m. Information may be obtained from Ola Kidd, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The South Plains Association of Governments, Board of Directors,** met at the Lubbock Memorial Civic Center, on December 9, 1980, at 9 a.m. Information may be obtained from Glenda Robinson, 1709 26th Street, Lubbock, Texas 79411, (806) 762-8721.

**The South Texas Health Systems Agency, Board of Directors,** will meet in Room 221 of the Student Union Building, Texas A&I University, Santa Gertrudis, Kingsville, on December 13, 1980, at 1 p.m. Information may be obtained from Mario L. Vasquez, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

**The Upshur County Appraisal District** will meet at the Upshur County Appraisal District Office, Gilmer Middle School, Warren Street, Gilmer, on December 15, 1980, at 7:30 p.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas, (214) 843-3736.

Doc. No. 809199

## Meetings Filed December 8, 1980

**The Brazos River Authority, Lake Management Committee and Board of Directors,** will meet at the lake supervisor's office, Possum Kingdom Lake, on December 12, 1980, at 10 a.m. The Middle Sub Basin 208 Planning Advisory Committee will meet at the Brazos River Authority Offices, 4400 Cobbs Drive, Waco, on the same day at 1:30 p.m., and the Lower Sub Basin 208 Planning Advisory Committee will meet at Sugar Land Civic Center, 255 Buenther in Sugar Land, on December 15, 1980, at 1:30 p.m. Information may be obtained from Mike Bukala, Tom Ray, and Tom Ray, respectively, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441.

**The Concho Valley Council of Governments, Executive Committee,** met in emergency session at 5002 Knickerbocker Road, San Angelo, on December 10, 1980, at 7:30 p.m. Information may be obtained from James F. Ridge, 5002 Knickerbocker Road, San Angelo, Texas 76901, (915) 944-9666.

**The Copano Bay Soil Conservation, District 329,** will meet in rescheduled session at Shay Plaza, 106 South Alamo, Refugio, on December 15, 1980, at 11 a.m. (The meeting was original set for December 22, 1980). Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334.

**The Deep East Texas Council of Governments, Criminal Justice Advisory Board,** will meet at the First United Methodist Church, 329 North Bowie, Jasper, on December 18, 1980, at 11 a.m. Information may be obtained from Ronald J. Willis, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

**The Education Service Center, Region III, Board of Directors,** will meet at 1905 Leary Lane, Victoria, on December 15, 1980, at 1 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0371.

**The Education Service Center, Region IX, Board of Directors,** will meet at 301 Loop 11, Wichita Falls, on December 18, 1980, at 9 a.m. Information may be obtained from H. M. Fullerton, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Education Service Center, Region XVI, Board of Directors,** will meet at 1601 South Cleveland, Amarillo, on December 19, 1980, at 11 a.m. Information may be obtained from Dr. Kenneth M. Laycock, Box 30600, Amarillo, Texas 79120, (806) 376-5521.



**The Edwards Underground Water District**, Executive Committee, met in emergency session in the conference room at 1200 Tower Life Building, St. Mary's and Villita, San Antonio, on December 11, 1980, at 10:30 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas, (512) 222 2204.

**The Lower Neches Valley Authority**, Board of Directors, will meet in the conference room of the LNVA office building, 7850 Eastex Freeway, Beaumont, on December 16, 1980, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77706, (713) 289 4011.

**The Northeast Texas Municipal Water District**, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on December 15, 1980, at 7 p.m. Information may be obtained from Homer Tanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645 2241.

**The San Antonio River Authority**, Board of Directors, will meet in the conference room at 100 East Guenther Street, San Antonio, on December 12, 1980, at 2 p.m. The Board of Directors will meet again at the same location and time on December 17, 1980. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, Guilbeau Station, San Antonio, Texas 78204, (512) 227 1373.

**The West Central Texas Municipal Water District** will meet in the third floor conference room, 174 Cypress Street, Abilene, on December 15, 1980, at 9:30 a.m. Information may be obtained from Victor Jaeggli, P.E., P.O. Box 2362, Abilene, Texas 79604, (915) 673 8254.

Doc. No. 809255

### Meetings Filed December 9, 1980

**The Capital Area Planning Council**, General Assembly, will meet at Quality Inn South, 2200 South III 35, Austin, on December 16, 1980, at 1 p.m. The Executive Committee will meet at the same place and the same day at 1:30 p.m. Information may be obtained from Richard Bean, 611 South Congress No. 400, Austin, Texas 78704, (512) 443 7653.

**The Central Texas MH/MR Center**, Board of Trustees, will meet at 308 Lakeway Drive, Brownwood, on December 15, 1980, at 1:30 p.m. Information may be obtained from Janie Clements, P.O. Box 250, Brownwood, Texas 76801, (915) 646 9574, ext. 35.

Doc. No. 809280

## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of November 24-26, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

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

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

### Week Ending November 26, 1980

Ingersoll-Rand Oilfield Products Co., Pampa; electroslag refining furnace; U.S. Highway 60 southwest of Pampa; 3253A; new source

Ingersoll-Rand Oilfield Products Co., Pampa; paint area and blast cleaning facility; U.S. Highway 60 southwest of Pampa; 6632A; new source

Delhi Gas Pipeline Corp., Athens; amine sweetening and sulfur plant with acid gas incinerator; Tri-Cities Plant; 8628; new source

Chevron USA, Inc., El Paso Refinery; residuum reduction physical changes; 6501 Trowbridge; 8629; new source

Trans Pecos Materials, Inc., Midland; concrete batch plant and materials storage yard; intersection U.S. Highway 80 and FM Road 1788; 8630; new source

Anaconda Copper Co., Tilden; uranium mill; Phode Ranch Project; 8631; new source

San Jacinto, Ltd., Channel View; barge cleaning; location unavailable; 8632; new source

Marathon Oil Co., Pasadena; three bottom-loading islands with vapor recovery; 431 North South Avenue; 8633; new source

Sid Richardson Carbon and Gasoline Co., Trent; natural gas liquid recovery plant; Eskota Plant; 8634; new source

Resistol Hat Co., Weslaco; manufacture straw hat bodies; Sugar Sweet Avenue at Stephens Avenue; 8635; new source

Diamond Shamrock Corp., Sunray; fluid catalytic cracking unit; Highway 119 and Highway 721; 8636; new source

Garland Molding and Casting Co., Garland; silver recovery and wire burner; 121 Commercial Street; 8637; new source

Conoco, Inc., La Pryor; oil-fired steam generators; South Texas Tar Sands Project; 8638; new source

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

Doc. No. 809196      Ramon Dasch  
Director of Hearings  
Texas Air Control Board

Filed: December 4, 1980, 4:27 p.m.

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

## State Banking Board

### Public Hearings

The hearing officer of the State Banking Board has scheduled the following hearings to consider charter applications. Both hearings will be conducted at 2601 North Lamar, Austin.

**Monday, December 15, 1980, 9 a.m.**—charter application for First State Bank of Roanoke to be located in Roanoke, Denton County

**Wednesday, December 17, 1980, 9 a.m.**—charter application for Helotes State Bank to be located in Helotes, Bexar County

Information may be obtained from O. A. Cassity, assistant general counsel, State Banking Department, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

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

Doc. No. 809162-      O. A. Cassity  
809163      Assistant General Counsel  
State Banking Department

Filed: December 3, 1980, 10:30 a.m.

For further information, please call (512) 475-4451.

## Banking Department of Texas

### Applications to Purchase Control of State Banks

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

On December 4, 1980, the banking commissioner received an application to acquire control of Dallas International Bank in Dallas by Robert A. Baker, Charles J. Wilson, and Talmadge Tinsley, all of Dallas. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on December 4, 1980.

Doc. No. 809219      Daniel A. Flynn  
Deputy Banking Commissioner

Filed: December 5, 1980, 10:38 a.m.

For further information, please call (512) 475-4451.

## Comptroller of Public Accounts

### Administrative Decision

#### Summary of Administrative Decision 11,064

For copies of the following recent opinion selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with our confidentiality statutes.

**Summary of Decision:** A corporation formed by several farmers to dry, store, and market grain made tax-free purchases of machinery and equipment for a drying and storing facility; such machinery and equipment was not exempt from tax under Article 20.04(N)(6) prior to September 1, 1975, because it was not used on a farm or ranch and because it was not used in production, and not exempt after September 1, 1975, because the corporate entity was not the original producer of the grain. Arguments for exemption under Articles 20.04(E) and (V) were also rejected. The decision was rendered September 9, 1980.

Issued in Austin, Texas, on December 3, 1980.

Doc. No. 809169      Bob Bullock  
Comptroller of Public Accounts

Filed: December 3, 1980, 4:31 p.m.  
For further information, please call (512) 475-1938.

## 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 December 2-5, 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 315, 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.

Planned Parenthood of Houston and Southeast Texas, Inc., Houston (12/5/80)

AS80-1203-006

EC—To lease and operate a secondary clinic site in the 11000 block of Airline Drive in Houston as an expansion of services currently provided from the permanent and existing clinic at 3601 Fannin in Houston

Irving Community Hospital, Irving (12/5/80)

AH80-1202-002

EC—To improve the air conditioning and heating service capabilities in the hospital's lower level, including acquisition of air handling equipment and minor renovation

Buena Salud Health Systems, Inc., Del Rio (12/5/80)

AO79-1119-025A (120380)

AMD/CN—Request to extend the completion deadline in Certificate of Need AO79-1119-025 (the certificate of need authorized the establishment of an RHI outpatient clinic in Del Rio)

Hurst-Eules-Bedford Hospital, Bedford (12/4/80)

AH80-1201-060

EC—To acquire a wide view ultrasound unit for use in the x-ray department at the south campus of Hurst-Eules-Bedford Hospital

Ochiltree General Hospital, Perryton (12/4/80)

AH80-1201-062

EC—To contract for ultrasound services as an expansion of existing radiology services

Issued in Austin, Texas, on December 8, 1980.

Doc. No. 809245      John R. Neel  
General Counsel  
Texas Health Facilities Commission

Filed: December 8, 1980, 9:42 a.m.  
For further information, please call (512) 475-6940.

## Texas State Board of Public Accountancy

### Correction of Error

A new section entitled *Effect of Exemption proposed by the Texas State Board of Public Accountancy* appearing in the November 7, 1980, issue of the *Texas Register* (5 TexReg 4415) contained an error in the TAC numbering scheme as published in that issue. The new section should have been proposed as §511.87 (401.45.04.202) rather than §511.86.

## Office of the Secretary of State

### Texas Register Division

#### Invitation To Bid

**Description of Services To Be Performed.** The Texas Register Division, Office of the Secretary of State, is requesting bids for indexing of the *Texas Register*. The indexer awarded the contract will be required to produce 12 monthly guides to agency activity, three quarterly indexes, and one annual index (which will incorporate indexing of the final quarter). Information concerning exact procedures for index format and complexity and schedules for delivery of the product can be obtained by telephoning the Texas Register Division at (512) 475-7880.

**Period of Contract.** January 1, 1981, through December 31, 1981.

**Selection Criteria.** In order for the above services to be performed satisfactorily, the indexer should meet the following criteria:

- (1) Have an understanding of the *Texas Register* objectives and procedures.
- (2) Have demonstrated experience in indexing state government publications.
- (3) Have demonstrated knowledge of state government structure.
- (4) Have knowledge of how the *Texas Register* is used by citizens and state agencies and therefore have the ability to develop an index to meet the needs of these groups.
- (5) Have a demonstrated ability to meet monthly and quarterly deadlines.
- (6) Have demonstrated experience with cumulative indexing.
- (7) Have demonstrated ability to develop thesaurus.
- (8) Have a clear understanding that the contract is for the calendar year 1981.

An oral presentation and samples of indexing may be requested.

**Submittal of Bids.** An Invitation To Bid form may be obtained by contacting Mary Urban, Office of the Secretary of State, P.O. Box 13824, Austin, Texas 78711, (512) 475-5995. Bids will be accepted until December 23, 1980.

Issued in Austin, Texas, on December 9, 1980.

Doc. No. 809292 Charlotte Scroggins, Director  
Texas Register Division  
Office of the Secretary of State

Filed: December 8, 1980, 10 a.m.  
For further information, please call (512) 475-7886.

## 1981 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the 1981 issues of the *Texas Register*. For your reference, monthly deadline schedules will also be published during the year. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issues published on January 30, April 28, July 31, and October 30 will be indexes; no other material will be published in these issues. The *Texas Register* will not be published on January 6, September 1, December 1, and December 29.

State holidays for the 1981-82 biennium have not been designated by the legislature. Therefore, schedule variations for the period September through December are tentative at this time.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M. ON:	ALL NOTICES OF OPEN MEETINGS BY 10 A.M. ON:
Friday, January 2	Monday, December 29	Tuesday, December 30
Tuesday, January 6	NO ISSUE PUBLISHED	
Friday, January 9	Monday, January 5	Tuesday, January 6
Tuesday, January 13	Wednesday, January 7	Thursday, January 8
Friday, January 16	Monday, January 12	Tuesday, January 13
Tuesday, January 20	Wednesday, January 14	Thursday, January 15
Friday, January 23	Friday, January 16	Tuesday, January 20
Tuesday, January 27	Wednesday, January 21	Thursday, January 22
Friday, January 30	1980 CUMULATIVE INDEX	
Tuesday, February 3	Wednesday, January 28	Thursday, January 29
Friday, February 6	Monday, February 2	Tuesday, February 3
Tuesday, February 10	Wednesday, February 4	Thursday, February 5
Friday, February 13	Monday, February 9	Tuesday, February 10
Tuesday, February 17	Wednesday, February 11	Thursday, February 12
Friday, February 20	Friday, February 13	Tuesday, February 17
Tuesday, February 24	Wednesday, February 18	Thursday, February 19
Friday, February 27	Monday, February 23	Tuesday, February 24
Tuesday, March 3	Wednesday, February 25	Thursday, February 26
Friday, March 6	Friday, February 27	Tuesday, March 3
Tuesday, March 10	Wednesday, March 4	Thursday, March 5
Friday, March 13	Monday, March 9	Tuesday, March 10
Tuesday, March 17	Wednesday, March 11	Thursday, March 12
Friday, March 20	Monday, March 16	Tuesday, March 17
Tuesday, March 24	Wednesday, March 18	Thursday, March 19
Friday, March 27	Monday, March 23	Tuesday, March 24
Tuesday, March 31	Wednesday, March 25	Thursday, March 26
Friday, April 3	Monday, March 30	Tuesday, March 31
Tuesday, April 7	Wednesday, April 1	Thursday, April 2
Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	Wednesday, April 8	Thursday, April 9
Friday, April 17	Monday, April 13	Tuesday, April 14
Tuesday, April 21	Wednesday, April 15	Thursday, April 16
Friday, April 24	Friday, April 17	Monday, April 20
Tuesday, April 28	1ST QUARTERLY INDEX	
Friday, May 1	Monday, April 27	Tuesday, April 28
Tuesday, May 5	Wednesday, April 29	Thursday, April 30
Friday, May 8	Monday, May 4	Tuesday, May 5
Tuesday, May 12	Wednesday, May 6	Thursday, May 7
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Friday, May 29

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## Texas Water Commission

### Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of December 15, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action, and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

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

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

### Week Ending December 5, 1980

Conoco, Inc., Denver, Colorado; waste disposal well; Santa Maria de Los Angeles de Abajo Trinidad Vela Survey, Abstract A 162, in Duval County; WDW 189; new permit

Prairie View A&M University, International Dairy Goat Research Center, Prairie View; research center for dairy goats and cattle, Cameron Road campus, Waller County; 02429; new permit

Explorer Pipeline Co. (Grapevine Station), Tulsa, Oklahoma; petroleum products pipeline tank farm; north of State Highway 121, west of Grapevine in Tarrant County; 02398; new permit

Veteo Offshore, Inc., Houston; waste water treatment facility; 12221 North Houston Rosslyn Road in Harris County; 11651; amendment

Jagger Associates, Inc., Austin; domestic sewage treatment plant; northwest of the intersection of NASA in Harris County; 12317 01; new permit

Explorer Pipeline Co. (Greenville Station), Tulsa, Oklahoma; petroleum products pipeline tank farm; north of IH 30 in Hunt County; 02395; new permit

American Plating Co. of Texas, Inc., Houston; nickel plating plant; 14910 Market Street in Harris County; 01995; renewal

Gifford Hill Co., Inc. (Plant 22), Dallas; sand and gravel processing facility; Jones Road, approximately three miles northwest of the City of College Station in Brazos County; 01933; renewal

Trautmann Brothers Co. of Laredo, Texas, Inc., Laredo; raw vegetable processing plant; within the Del Mar Industrial Park, northwest of the city limits of Laredo, Webb County; 02171; new permit

The Lubrizol Corp., Deer Park; chemical manufacturing plant; west of the east fork of Patrick Bayou in Deer Park, Harris County; 00639; amendment

Intercontinental Terminals Co., Houston; industrial waste water facility; 2627 Tidal Road in the City of Deer Park, Harris County; 01984; amendment

The Lemm Corp., Memphis, Tennessee; methanol storage terminal; east of the Miller Cutoff Road/Strang Road in Harris County; 02457; new permit

Cactus Pipe and Supply Co., Houston; domestic sewage facility; South Sheldon Road, south of IH 10 in Harris County; 12331; new permit

Texas Department of Highways and Public Transportation, Wichita Falls; domestic sewage facility; south of Gainesville in Cooke County; 11744 01; renewal

Houston Solvents and Chemicals, Houston; domestic sewage facility; 11101 FM Road 529 (Spencer Road), south of the City of Jersey Village in Harris County; 02449; new permit

Texas Department of Highways and Public Transportation, Wichita Falls; domestic sewage facility; within the southbound right of way of IH 35, south of Gainesville in Cook County; 11743; renewal

City of Johnson City; domestic sewage facility; north east of Johnson City in Blanco County; 10198 01; renewal

Issued in Austin, Texas, on December 5, 1980.

Doc. No. 809236      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 5, 1980, 2:47 p.m.  
For further information, please call (512) 475-1311.



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