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TEXAS DOCUMENTS

# TEXAS REGISTER

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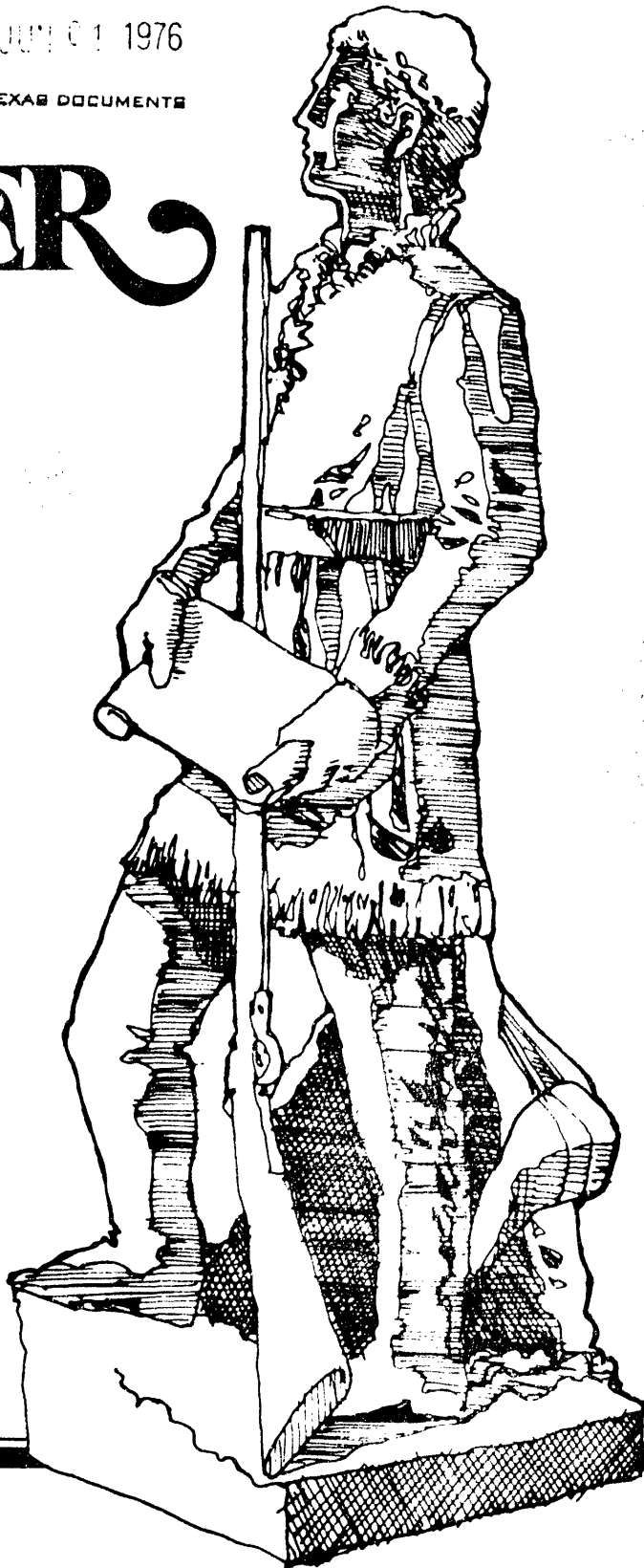
Emergency examinations rules adopted by the State Board of Insurance

Rules concerning carbon compound emission control proposed by the Texas Air Control Board

Sales tax exemptions for agricultural items proposed by the Comptroller of Public Accounts

Rules concerning patients' and residents' rights adopted by the Texas Department of Mental Health and Mental Retardation

Deferred payment obligations rules adopted by the Texas Savings and Loan Department



Office of the Secretary of State

# NOTES ON THE ISSUE

Governor Briscoe has named the State Bar of Texas to serve as advocate for the developmentally disabled in Executive Order DB 29.

At the same time the Texas Department of Mental Health and Mental Retardation has defined more clearly the rights of patients and of voluntary residents of its facilities in rules that agency has adopted. These rules provide for the publication of the *Patients' and Residents' Rights Handbook* in English and in Spanish. The rules also address such issues as research involving humans, the rights of *habeas corpus*, and the disclosure of information.

In proposed rules the Texas Air Control Board seeks to establish controls to reduce the emission of carbon compounds into the atmosphere. The rules, when adopted, will remove the current exemptions from crude oil and condensate storage tanks, will extend to Hardin and Tarrant Counties, and will regulate degreasing operations.

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

*Artwork: Gary Thornton*

## TEXAS REGISTER

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## Executive Orders

### Executive Order DB 29

Whereas, I, Dolph Briscoe, Governor of Texas, pursuant to the authority vested in me under the constitution and laws of the State of Texas, do hereby issue an executive order as follows:

Whereas, the Developmentally Disabled Assistance and Bill of Rights Act of 1975 amends the Developmental Disabilities Services and Facilities Construction Act by calling for the establishment of an advocacy system to protect the rights of persons with developmental disabilities; and

Whereas, it is deemed to be proper and appropriate to ensure that the rights of persons with developmental disabilities are preserved; and

Whereas, Section 113 of the Developmental Disabilities Services and Facilities Construction Act calls for the administration of such an advocacy system to be independent of any state agency which provides treatment, services, or habilitation to persons with developmental disabilities; and

Whereas, the Governor of the State of Texas is to designate an agency which will be responsible for planning an advocacy system and an agency which will be responsible for implementing an advocacy system;

Now, therefore, I, Dolph Briscoe, Governor of the State of Texas, designate, order, and direct as follows:

(1) The State Bar of Texas is hereby designated as the responsible agency for planning an appropriate advocacy system pursuant to this executive order and appropriate state and federal laws for persons with developmental disabilities.

(2) In exercising its responsibility in this endeavor, the State Bar of Texas is directed to work closely with the Texas Department of Mental Health and Mental Retardation and the Governor's Planning Council for Developmental Disabilities. In addition, other interested persons, agencies, and organizations are to be consulted during the planning process.

(3) The State Bar of Texas is to complete its work as soon as possible but in any event in sufficient time that the plan may be implemented prior to September 30, 1977.

(4) To assist it in the performance of its duties as the designated planning agency pursuant to Section 113 of the Developmental Disabilities Services and Facilities Construction Act, the State Bar of Texas is authorized to receive and utilize federal financial assistance.

This executive order is effective on the 21st day of May, 1976, and shall remain in effect until amended, modified, or repealed by me.

In official recognition thereof, I hereby affix my signature this the 20th day of May 1976.

Doc. No. 762791      Dolph Briscoe  
Governor of Texas

Filed: May 24, 1976, 1:53 p.m.

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

## Requests for Opinions

### Summary of Request for Opinion RQ-1395

Request for opinion sent to Attorney General's Opinion Committee by Bob Bullock, Comptroller of Public Accounts, Austin.

#### *Summary of Opinion:*

(1) Do Article 4344 (1966), Texas Revised Civil Statutes Annotated, and Article 1.03 (1969), Texas Taxation General Annotated, authorize the comptroller, when he deems necessary, to make an examination of the books, records, and policy of any state agency for the purpose of protecting public funds, for the purpose of determining the manner in which the agency is being operated, and for the purpose of suggesting ways to improve the efficiency of the department so that the comptroller may suggest plans to improve the state's revenues?

(2) Does Section 29 of the Appropriations Bill limit the general law powers and duties imposed on this office by Article 1.03, Texas Taxation General Annotated, and Article 4344, Texas Revised Civil Statutes Annotated?

(3) If the comptroller may exercise such auditing authority, does the phrase "state institution" include those entities covered by the General Appropriations Bill or does it also include statutorily created entities who operate by virtue of fees collected but who do not receive appropriated funds?

(4) If the comptroller may exercise auditing authority and a state institution refuses to make its records available, by what authority and how may the comptroller gain access to such records?

Filed: May 26, 1976, 11:28 a.m.

Doc. No. 762872

### Summary of Request for Opinion RQ-1396

Request for opinion sent to Attorney General's Opinion Committee by Truett Latimer, Executive Director, Texas Historical Commission, Austin.

*Summary of Request:* Are facade easements legal in Texas and can they be transferred as a unit of property? A facade easement can be defined as an easement

of the facade of a historic structure, investing a public or a private organization with a property interest in the building's exterior without disturbing private ownership and control of the interior.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762873      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: May 26, 1976, 11:28 a.m.

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



## Opinions

### Summary of Opinion H-825

Request from Raul L. Longoria, Chairman, Senate Special Committee on Border Trade and Tourism, concerning whether Cameron County may charge a toll across the county's international bridge.

*Summary of Opinion:* Subject to the limitations of Article 6795c, the Commissioners Court of Cameron County is authorized to fix and to collect reasonable tolls, fees, and charges for use of the international bridge. Revenues for such tolls may be used only for purposes provided in Article 6795c. Whether a particular expenditure is within the ambit of Article 6795c is a question of fact for the initial determination of the commissioners court and subject to judicial review.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762874      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: May 26, 1976, 11:28 a.m.

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

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## Open Records Decisions

### Summary of Open Records Decision 128

Request from Lorene Rogers, President, The University of Texas at Austin, concerning request for correspondence relating to a decision of a university not to offer certain courses.

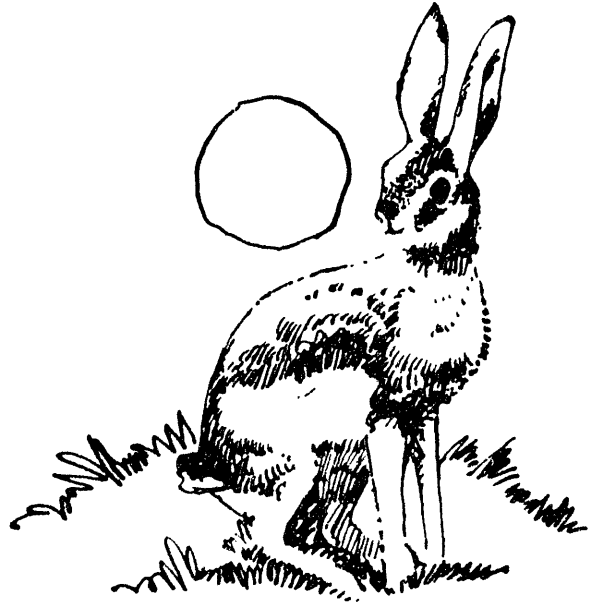
**Summary of Opinion:** Intra-agency memoranda which contain opinions, advice, and recommendations are not required to be released under the Open Records Act. If only a portion of a document contains excepted material the remainder should be severed and released.

Issued in Austin, Texas, on May 20, 1976.

Doc. No. 762819      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: May 24, 1976, 3:09 p.m.

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



# EMERGENCY RULES

1454

An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules are effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

## State Board of Insurance

### Powers and Duties of the Board

#### Examinations 059.01.15

The Examination Division of the State Board of Insurance examines insurance companies continuously. The proper functioning of the Examination Division requires that Rule 059.01.15.221, concerning salvage and subrogation items, become effective immediately. This creates an imminent peril to the public welfare and makes it imperative that such rule become effective immediately upon filing with the secretary of state and that it be effective for 120 days from the date of such fil-

ing. This rule will cause no change in the practice of the Examination Division which heretofore has been to treat salvage and subrogation items in the same manner as is set out in the rule.

This rule is promulgated under the authority of the Insurance Code, Article 21.39, Vernon's Annotated Texas Statutes.

*221. Salvage and Subrogation.* This rule is adopted in order to reaffirm this department's long-standing express position in respect of the treatment of salvage and subrogation items. Due to the difficulty in ascertaining the value of items received as salvage on losses (whether paid or unpaid) and determining the amount which might be recovered by subrogation on losses (whether paid or unpaid), insurance companies incorporated under the laws of this state and foreign and alien companies licensed to do business in this state shall not take credit against any open claim or loss reserve nor as an admitted asset in any annual statement or interim statement filed with this department for salvage or subrogation recoveries until such recoveries shall have been reduced to cash or its equivalent. Salvage or subrogation recoveries reduced to cash or its equivalent shall be accounted for as an offset to losses paid, in accordance with existing practices.

The foregoing conforms to the position of the National Association of Insurance Commissioners as evidenced in their instructions to the annual statement blank form which annual statement forms and the instructions relating thereto have been heretofore adopted annually by board order under the provisions of Article 1.10(9) of the Texas Insurance Code.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762752      Pat Wagner  
Deputy Chief Clerk  
State Board of Insurance

Effective Date: May 21, 1976

Expiration Date: September 17, 1976

For further information, please call (512) 475-3397.



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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System**-- Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

## Texas Air Control Board Regulation V-- Control of Air Pollution from Volatile Carbon Compounds

### Counties 131.07.01

The Texas Air Control Board proposes to adopt Rules 131.07.10.001-.005. The new rules will affect counties other than those named in Existing Rule 131.07.01.001. Therefore, Existing Rule 131.07.01.001 requires amendment to reflect the changes that will result from the Proposed Rules 131.07.10.001-.005.

Public comment on the proposed amendment to Rule 131.07.01.001 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rule 131.07.01.001. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control

Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Amendment to Rule 131.07.01.001 is proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

.001. *Counties Affected. Except as otherwise provided in Rules 131.07.10.001-.005*, Regulation V shall apply only in the following counties: Aransas, Bexar, Brazoria, Calhoun, Dallas, El Paso, Galveston, Harris, Jefferson, Matagorda, Montgomery, Nueces, Orange, San Patricio, Travis, and Victoria.

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762850 Charles R. Barden, P.E.  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: Indefinite

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

## Storage of Volatile Carbon Compounds 131.07.02

The Texas Air Control Board proposes to adopt Rule 131.07.10.002. The new rule would require control of emissions from crude oil and condensate storage. Therefore, Existing Rule 131.07.02.003 requires amendment to reflect the changes that will result from the Proposed Rule 131.07.10.002.

Public comment on the proposed amendment to Rule 131.07.02.003 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rule 131.07.02.003. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Amendment to Rule 131.07.02.003 is proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

.003. *Storage of Crude Oil or Condensate.* Crude oil or condensate storage containers are exempt from Rules 131.07.02.001-.003. *Such storage containers are controlled in accordance with the requirements of Rule 131.07.10.002.*

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762851 Charles R. Barden, P.E.  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: Indefinite

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

## Additional Carbon Compound Emission Controls 131.07.10

On April 30, 1971, pursuant to the provisions of Section 109 of the Federal Clean Air Act, the administrator of the Environmental Protection Agency promulgated national primary and secondary ambient air quality standards. One of the primary standards provides for an allowable ambient air concentration of photochemical oxidants. Photochemical oxidants exist in the atmosphere primarily as a result of the reactions of carbon compounds and nitrogen oxides in the presence of sunlight. Therefore, a reduction in photochemical oxidant concentrations theoretically is brought about by a reduction in emissions of these precursors, carbon compounds and nitrogen oxides. The correlation between a reduction in emissions of the precursors to photochemical oxidants and a reduction of photochemical oxidant concentrations is very complex and subject to many variables. Nonetheless, the Environmental Protection Agency has required that control strategies designed to reduce photochemical oxidant concentrations should address only emissions of carbon compounds.

The State of Texas submitted a revision to the Texas Air Pollution Implementation Plan on April 15, 1973. Along with that submittal, the Governor of Texas requested an extension until 1977 for the attainment of the standard for photochemical oxidants in seven air quality control regions.

The Texas plan was disapproved by the Environmental Protection Agency on June 22, 1973, and a substitute plan was promulgated on November 6, 1973.

The regulations promulgated on November 6, 1973, were challenged by the State of Texas in the U.S. Court of Appeals for the Fifth Circuit, *State of Texas et al. vs. EPA*, 499 F.2d. 289. The court remanded the plan to the Environmental Protection Agency for further study.

The Environmental Protection Agency and the Texas Air Control Board jointly engaged in an extensive reexamination of the Texas oxidant control plan. On March 3, 1975, the Texas Air Control Board presented to the Environmental Protection Agency the results of this investigation entitled "Reactive Carbon Compound Control Strategy Reexamination for the State of Texas," Preliminary Report, Special Project Report Number SP-1. The data in this report indicates that even if some of the most stringent strategies controlling emissions of carbon compounds were implemented, the oxidant ambient air quality standards would still be exceeded. Although the Federal Clean Air Act requires that the standard must be met by the deadline regardless of cost or technical feasibility, the administrator of the Environmental Protection Agency apparently is convinced that the act will be amended and is requiring the implementation of only those strategies that he considers to be reasonable.

The Texas Air Control Board has studied the effects of several proposed strategies in the SP-1 Report and had concluded that the following Proposed Rules 131.07.10.001-.005 will reduce the emission of carbon compounds to the atmosphere in areas where the photochemical oxidant standard is now being exceeded. While this reduction in all likelihood will not result in achievement of the oxidant standard in those areas, the board has concluded that the controls are reasonable under the circumstances.

Public comment on the proposed amendment to Rules 131.07.10.001-.005 is invited. A public hearing will be held on June 15, 1976, 10 a.m., in the following locations: the Texas Air Control Board Auditorium, 8520 Shoal Creek Boulevard, Austin; the City of Houston Health Department Auditorium, 1115 North MacGregor, Houston; and the City of Fort Worth Public Health Center Auditorium, 1800 University Drive, Fort Worth. The purpose of the hearing is to receive public testimony relative to proposed amendments to Rules 131.07.10.001-.005. Interested persons are invited to submit data, views, and recommendations on the amendments either orally or in writing. Written comments may be submitted prior to or following the hearing by mailing 15 copies of such statements to the Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758. Written comments will be accepted through July 1, 1976.

Rules 131.07.10.001-.005 are proposed under the authority of Section 3.09 of Article 4477-5, Texas Civil Statutes.

### .001. *Addition of Hardin and Tarrant Counties.*

(a) All rules contained in the subcategories 131.07.02 through 131.07.07 hereof shall apply in Hardin and Tarrant Counties.

(b) All persons in Tarrant and Hardin Counties affected by all rules contained in the subcategories 131.07.02 through 131.07.07 hereof shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

*.002. Storage of Crude Oil or Condensate.*

(a) No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 100,000 gallons capacity, crude oil or condensate unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

(1) a floating roof, consisting of a pontoon type, double-deck type roof, or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile carbon compounds have a vapor pressure of 11 pounds per square inch absolute or greater under actual storage conditions. All tank gauges and sampling devices shall be gas-tight except when gauging or sampling is taking place;

(2) a vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors in vent gases or other material emitted to the atmosphere will not exceed a level of 1.5 PSIA.

(b) The following are exempt from Rule 131.07.10.002:

(1) storage tanks located in Aransas, Bexar, Calhoun, Travis, and Victoria Counties storing only crude oil or condensate; and

(2) storage tanks associated with a drilling or production facility other than a natural gasoline plant

storing only crude oil or condensate prior to field custody transfer.

(c) All persons affected by Rule 131.07.10.002 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

*.003. Degreasing Operations.*

(a) No person shall use a volatile carbon compound for cleaning or degreasing any instrument or device unless the emissions of volatile carbon compounds from such operation are reduced at least 40 percent overall.

(b) The following are exempt from the requirements of Rule 131.07.10.003:

(1) degreasing operations which emit less than eight pounds per hour and less than 40 pounds per day of volatile carbon compounds; and

(2) degreasing operations which use only perchloroethylene, 1,1,1-trichloroethane, or saturated halogenated hydrocarbons as an organic solvent.

(c) Rule 131.07.10.003 shall apply only in the following counties: Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, Ellis, Harris, Chambers, Galveston, Brazoria, Liberty, Matagorda, Waller, Fort Bend, Montgomery, Bexar, Guadalupe, and Comal.

(d) All persons affected by Rule 131.07.10.003 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of installation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

*.004. Filling of Gasoline Storage Vessels.*

(a) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 1,000 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions such that the aggregate partial pressure of all volatile carbon compound vapors emitted to the atmosphere will not exceed a level of 1.5 PSIA.

(b) When a vapor-tight return line from the storage container to the delivery vessel is used to comply with Rule 131.07.10.004(a), the following conditions must be met:

(a) the vapor return line must be connected before gasoline can be transferred into the storage container; and

(2) the delivery vessel must be kept vapor-tight until the captured vapors can be discharged to a loading facility.

(c) The following are exempt from the requirements of Rule 131.07.10.004:

(1) stationary containers used exclusively for the fueling of implements of agriculture;

(2) any stationary container having a capacity less than 2,000 gallons installed prior to adoption of Rule 131.07.10.004;

(3) transfers made to storage tanks equipped with floating roofs or their equivalent; and

(4) stationary storage tanks located at a facility which dispenses less than 300,000 gallons of gasoline per year.

(d) Rule 131.07.10.004 shall apply only in the following counties: Bexar, Comal, Guadalupe, Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, Matagorda, Dallas, Tarrant, Denton, Wise, Collin, Parker, Rockwall, Kaufman, Hood, Johnson, Ellis, Travis, Hays, Nueces, San Patricio, Jefferson, Orange, Hardin, and El Paso.

(e) All persons affected by Rule 131.07.10.004 shall be in compliance as soon as practicable, but not later than December 31, 1977, and shall submit to the Texas Air Control Board not later than December 31, 1976, a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

(1) dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(2) date of initiation of on-site construction or installation of emission control equipment or process change;

(3) date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(4) date by which final compliance is to be achieved.

*.005. Final Control Plan.* All persons required to submit a final control plan shall not deviate from the terms of the final control plan. The executive director may, upon application of any person affected, change the date for accomplishing the required steps in a plan, provided such change is not likely to affect the achievement of the final compliance date specified in such plan. Within five days after completion of each of the required steps in a plan, the person submitting the plan shall so notify the executive director in writing.

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762852 Charles R. Barden, P.E.  
Executive Director  
Texas Air Control Board

Proposed Date of Adoption: Indefinite

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

## Comptroller of Public Accounts

### Tax Administration

#### Sales Tax Division-- State Taxes

026.02.20

The Comptroller of Public Accounts is proposing to amend Rule 026.02.20.016, which exempts certain animal life, seeds, plants, fertilizer, and agricultural machinery and equipment from the Limited Sales, Excise, and Use Tax. The proposed amendment would revise the entire rule.

Public comment on the proposed amendment to Rule 026.02.20.016 is invited. Persons should submit their comments in writing to Tom Henderson, Drawer SS, Capitol Station, Austin, Texas 78711.

This amendment is proposed under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes.

.016. Agriculture, Animal Life, Feed, Seed, Plants, and Fertilizer (20.04(n)).

(1) *There are exempted from the limited sales and use tax the receipts from sales of, and the storage, use, or consumption of:*

(a) *any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Horses, mules, and work animals;*

(b) *feed for farm and ranch animals and for animals which are held for sale in the regular course of business;*

(c) *seeds and annual plants the products of which either ordinarily constitute food for human consumption or are to be sold in the regular course of business;*

(d) *fungicides, insecticides, herbicides, defoliant, and desiccants exclusively used or employed on farms or ranches in the production of food for human consumption, feed for any form of animal life, or other agricultural products to be sold in the regular course of business. However, when these particular items are used in commercial storage facilities or other storage facilities which are not operated exclusively by the owner or are not located on the farm or ranch, the exemption is lost and the tax must be remitted on the sales price of such items;*

(e) *fertilizer;*

(f) *machinery or equipment exclusively used or employed on farms or ranches in the production of food for human consumption, production of grass, the building or maintaining of roads and water facilities, feed for any form of animal life, or other agricultural products to be sold in the regular course of business, and machinery, equipment, and gooseneck trailers exclusively used in the processing, packing, or marketing of agricultural products by the original producer at a location operated by the original producer exclusively for processing, packing, or marketing his own products. Note: This provision does not exempt gooseneck trailers from the Motor Vehicle Sales and Use Tax.*

*"Machinery and equipment" shall include all items used on a farm or ranch in the production of food or other agricultural products which are not specifically excluded herein.*

*All persons engaged in the business of selling items which are herein exempted from the sales tax shall be required to obtain an exemption certificate of indefinite duration from their customers as per Article 20.04(b) which states:*

*"If a purchaser certifies in writing to a seller that the taxable items purchased will be used in a manner or for a purpose entitling the seller to regard the receipts from the sale as exempted by this chapter from the computation of the amount of the limited sales tax, and the purchaser then uses the taxable items in some other manner or for some other purpose, the purchaser shall be liable for making a retail sale of the taxable items at the time of the use, and the cost of the taxable items to him shall be deemed the receipts from such retail sale for the purpose of determining the amount of tax for which he is liable.*

*"Any person who gives an exemption certificate to the seller for the taxable items which he knows, at the time of purchase, will be used in a manner other than that expressed in the exemption certificate is guilty of a misdemeanor and shall upon conviction suffer the penalties set forth in Article 20.12(b) of this chapter."*

(2) *All medications, tonics, restoratives, or other therapeutic preparations for farm and ranch animals which are used exclusively on a farm or a ranch are exempt from the limited sales and use tax. For example: drenches and vaccines.*

(3) *A "farm or ranch" is defined as one or more tracts of land used, either wholly or in part, in the production of crops, livestock, and/or other agricultural products held for sale in the regular course of business. This includes feed lots, agricultural cooperatives as organized under Articles 5737-5764, Texas Revised Civil Statutes Annotated, dairy farms, commercial orchards, commercial greenhouses producing food for human or animal consumption, and similar commercial agricultural operations. However, farm and ranch does not include home gardens or timber operations.*

(4) *The term "machinery or equipment" shall include expendable supplies such as hand tools, baling wire and binders twine, lubricants for farm machinery and for motor vehicles not licensed for highway use, nuts, bolts, washers, and other hardware, and materials used on or in buildings, structures, and structural components classified as machinery or equipment.*

(a) *Repair or replacement parts used exclusively for farm or ranch machinery or equipment qualify for the exemption. This shall include tractor tires, tires used on motor vehicles not licensed for highway use, and tires specifically designated by the manufacturer for farm use or off-highway use only.*

(b) *Machinery includes those items specifically designed to be assembled into a machine such as parts of a pumping system or portable irrigation systems.*

*(c) The following items and/or the materials used to build, construct, or fabricate these items are classified as "equipment" and are therefore exempt, provided they meet the qualifications set herein and have not been previously excluded:*

*(1) fences, pens, gates, cattleguards, and chutes used in connection with raising livestock or production of agricultural products;*

*(2) storage facilities for bulk fungible commodities regardless of whether they are of a portable or fixed nature. Typical facilities on farms or ranches include petroleum products, storage tanks, grain storage bins, corn cribs, feed storage sheds, refrigerated storage structures for unprocessed fruit, silos, and vehicle-mounted fertilizer spreaders or feed mills;*

*(3) buildings and structures which are essentially an item of equipment or machinery or which house equipment used as an integral part of production if the structure is specifically designed to house such equipment, and the structure cannot be economically used for any other purpose. For example: automated laying houses and farrowing houses;*

*(4) computers, and/or the servicing thereof, and software used on farms or ranches and specifically designed for aiding in the production of plants, animals, or foodstuffs. These include computer-operated feed mixing devices.*

*(d) Buildings and structural components and/or the materials used to build, construct, or fabricate the following facilities are not exempt from the limited sales and use tax:*

*(1) Buildings include any structure or edifice enclosing a space within its walls and usually covered by a roof, the purpose of which may be to provide working, office, or sales space. For example: houses, offices, barns, warehouses, garages, and stores.*

*(2) Structural components include those parts of a building or machinery in, on, or adjacent to a building, relating to the operation or maintenance of the building. For example: air conditioning or heating systems. However, if the sole justification for installation is to meet humidity or temperature requirements essential for the operation of either machinery or the processing of plants, animals, or foodstuffs, the structural component is exempt.*

*(5) Proof that the Internal Revenue Service has allowed an item as an investment credit may be considered as evidence that the item should be exempted from sales tax.*

*(1) Persons engaged in the business of selling tangible personal property to those engaged in*

agricultural pursuits in the State of Texas shall be required to collect the limited sales and use tax. However, there are specifically exempted from these taxes the sale, use, or other consumption of:

*[(a) any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Horses, mules, and work animals;*

*[(b) feed for farm and ranch animals and for animals which are held for sale in the regular course of business;*

*[(c) seeds and annual plants the products of which either (a) ordinarily constitute food for human consumption, or (b) are to be sold in the regular course of business;*

*[(d) fungicides, insecticides, herbicides, defoliants, and desiccants exclusively used or employed on farms or ranches in the production of food for human consumption, feed for any form of animal life, or other agricultural products to be sold in the regular course of business. However, when these particular items are used in commercial storage facilities or other storage facilities which are not located on the farm or ranch, the exemption is lost and the tax must be remitted on the sales price of such items;*

*[(e) fertilizer;*

*[(f) machinery or equipment exclusively used or employed on farms or ranches in the production of food for human consumption, production of grass, the building or maintaining of roads and water facilities, feed for any form of animal life, or other agricultural products to be sold in the regular course of business, and machinery, equipment, and gooseneck trailers exclusively used in the processing, packing, or marketing of agricultural products by the original producer at a location operated by the original producer exclusively for processing, packing, or marketing his own products. Note: This provision does not exempt gooseneck trailers from the Motor Vehicle Sales and Use Tax.*

*[This provision must be strictly interpreted and any use whatsoever other than the use on farms and ranches, or by the farmer or rancher in marketing his own products, as outlined above, will subject the machinery or equipment to tax which must be reported to the comptroller in the month following the reporting period in which the first such divergent use occurred.*

*[(2) The term "farm and ranch" includes commercial greenhouses, feed lots, dairy farms, commercial orchards, and similar commercial agricultural operations. However, farm and ranch does not include home gardens or timber operations.*

*[(3) The term "machinery or equipment" shall not include expendable supplies such as hand tools, lubricants, workclothes, washers, and bolts, or building materials such as fence posts, wire, nails, and lumber.*

*[(a) Repair or replacement parts which are for farm machinery or farm equipment are also excludable*

supply items. Tractor tires are exempt as equipment to be exclusively used on a farm or ranch. Automobile tires and truck tires sold for use on a vehicle registered for highway operation are not exempt. Automobile tires and truck tires designated "not for highway use" by the manufacturer are exempt.

[(b) Machinery includes those items specifically designed to be assembled into a machine such as baling wire and binders twine, parts of a pumping system or unit to be assembled at the well-site, or sections of pipe designed to be fitted into a portable irrigation system.

[(c) Items such as fences, chutes, storage facilities, sheds, and ranch buildings to be exclusively used on a farm or ranch are exempt as "equipment" if they are purchased as prefabricated or portable items and they are used in such a manner that they remain portable equipment. Machinery and equipment do not include building materials of any type or portable or prefabricated structures which become an improvement to real estate. A retailer who attaches any such portable or prefabricated building in a permanent manner or has actual knowledge of such attachment may not accept an exemption certificate on the sale of such portable or prefabricated building.]

Issued in Austin, Texas, on May 20, 1976.

Doc. No. 762822      **Bob Bullock**  
Comptroller of Public Accounts

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-3825.



## Texas Commission for the Deaf

### General Rules of Practice and Procedure

#### Rules and Regulations for Operation 332.01.01

The Texas Commission for the Deaf is proposing to adopt Rules 332.01.01.001-.005. These proposed rules would formally establish the guidelines for the operation of the commission.

Public comment on Proposed Rules 332.01.01.001-.005 is invited. Comments may be submitted by telephoning (512) 475-2492 (voice or manual communications module), or by writing to Carl P. Roberts, Executive Director, Texas Commission for the Deaf, P.O. Box 12904, Capitol Station, Austin, Texas 78711. Comments will be accepted until July 1, 1976.

The following rules are promulgated under the authority of Section 42, Article 4413, Vernon's Annotated Texas Statutes.

#### .001. Meetings.

(a) Scheduling of Meetings. The commission shall hold at least six meetings a year. In addition, special meetings may be held in response to a call by the chairman or in response to written requests by four members of the commission. Dates, times, and places shall be scheduled by the chairman upon recommendation of the executive director with the best interest of the commission and the greatest representation of commission members as a consideration. The best interest of the commission in regard to convenience, funds, etc., must be considered in determining the sites of the meetings. All meetings, except those of executive sessions, shall be open to the public.

(b) Agendas. The chairman, with the assistance of the executive director, shall prepare and submit to each member of the commission prior to each meeting a preliminary copy of the agenda, outlining items that he believes should be considered by the commission, those required by law, and others as members have requested. Materials supplementing the agenda may be included. Official agendas are distributed the day of the commission meeting.

(c) Quorum. Four members of the commission shall constitute a quorum.

(d) Rules of Order. The commission shall observe *Robert's Rules of Order Revised* except as otherwise provided by commission policies of this chapter or by statute.

(e) Minutes. "Official minutes" are those which the recording secretary prepares, the commission approves at a regular or special meeting, and are affixed

with the original signature of the chairman and the secretary. Drafts of the minutes shall be forwarded to each member for review and comments or corrections prior to approval by the commission. Official minutes shall be kept in the office of the executive director to be available to a citizen desiring to examine them.

**.002. Officers.** The officers of the commission shall be a chairman, a vice-chairman, and a secretary and such other officers as the commission shall from time to time elect.

(a) Elections.

(1) Officers shall be elected at the meeting held in August or September and shall take office effective October 1st each year.

(2) For the election of any officer, a simple majority vote of those present is needed, if members constitute a quorum. Officers may be re-elected. Should resignation, death, or incapacity for any reason create a vacancy in the office of chairman or vice-chairman, the other officers shall, at the next regular meeting, conduct an election to fill the unexpired portion of the former officer's term.

(b) Duties of Chairman and Vice-Chairman.

(1) The chairman shall preside at all meetings. In his absence, the vice-chairman shall preside, and shall assume all other duties as the statutes and constitution provide.

(2) In case the office of chairman becomes vacant, the vice-chairman shall serve until a successor has been named.

(3) The chairman shall approve all expenditures for equipment and supplies which exceed \$500.

**.003. Executive Director.** The commission shall employ an executive director to serve as the chief administrative officer of the commission.

(a) The executive director shall be appointed to serve at the pleasure of the commission.

(b) To be qualified to serve in the position of executive director, a person should preferably be a deaf or hard-of-hearing person. In addition, the executive director should preferably have five or more years experience in programs serving the deaf or hard-of-hearing.

(c) Duties. The executive director shall:

(1) be the executive head of the commission and shall have the usual administrative responsibilities, including full authority to employ all personnel necessary to the discharge of the agency's staff responsibility;

(2) keep accurate account of the expenditure of funds appropriated to, or funds, gifts, equipment, or property acquired by, the commission;

(3) keep accurate minutes of all transactions and minutes of the commission;

(4) establish, maintain, and be administratively responsible for the commission's headquarters

or offices;

(5) be custodian of all files, records, and materials for the commission;

(6) follow directives of the commission and operating procedure and laws of the state;

(7) furnish leadership in the development of the objectives and purpose of the commission as prescribed by law or the constitution; and

(8) represent the commission in any and all matters for which no other provisions are covered.

**.004. Funding.** The commission shall approve budget requests as prepared by the executive director and approve operating budgets of appropriated funds and funds from other sources as permitted by the constitution and the laws establishing the commission.

**.005. Policies of the Commission.**

(a) Policy Goals. The commission conducts all business of the commission through the executive director. Policies of the commission are those arrived at when the commission is in official session with a quorum present. Members of the commission shall avoid implying that an individual's opinion represents the opinion or policy of the commission.

(b) Adoption and Amendment of Commission Policies. Specific policies may be adopted or amended under the following conditions:

(1) Each member of the commission shall be furnished a copy of a proposed new policy or a proposed amendment in the preliminary and official agenda for the meetings at which it is to be considered.

(2) An affirmative vote by four members of the commission is required for the adoption of a new policy or policy amendment.

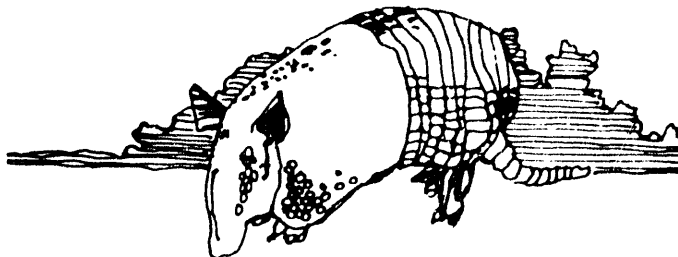
(3) New or amended policies shall be effective on the date of adoption unless otherwise specified.

Issued in Austin, Texas, on May 20, 1976.

Doc. No. 762871 Carl P. Roberts  
Executive Director  
State Commission for the Deaf

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-2492.





# Employees Retirement System of Texas

## Uniform Group Insurance Program

The Board of Trustees of the Employees Retirement System of Texas is proposing the following rules to be effective August 31, 1976: 335.80.02.101, 335.80.04.101, 335.80.05.107-108, 335.80.10.101-102, and 335.80.20.101-105.

These rules are proposed under authority of Section 4(h), Article 3.50-2, Texas Insurance Code (Supplement 1975), the "Texas Employees Uniform Group Insurance Benefits Act." Such rules are proposed in order to implement the provisions of that act.

Written comments are invited and will be accepted before July 1, 1976, or 30 days after publication of these proposed rules in the *Texas Register*, whichever is later. Written comments should be sent to Hearing Officer, Employees Retirement System, P.O. Box 12337, Capitol Station, Austin, Texas 78711.

A hearing will be conducted regarding the adoption of these rules. The times of the hearing sessions are 9 to 11:30 a.m. and 1:30 to 3 p.m. on June 24, 1976. The hearing will be held in Room 118, Stephen F. Austin Building, Congress and 17th Streets, Austin.

Participants in the hearing will be expected to register immediately before the start of either hearing session to establish precedence for speaking. Comment or oral presentations will be subject to a 10-minute time limit. For cause, the hearing officer may resume the hearing on the following day. Such extension, if any, will be announced at the conclusion of the hearing on June 24, 1976.

### Insurance Definitions 335.80.02

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt Rule 335.80.02.101, as set out below. This rule is proposed to define certain words and phrases used in the Texas Employees Uniform Group Insurance Benefits Act, Article 3.50-2, Texas Insurance Code (Supplement 1975), and rules adopted thereto. This rule is proposed by authority of Section 4(h) of the act.

*.101. Group Insurance Definitions* Unless a different meaning is clearly required by the context, the following words and phrases as used in these rules and in the act shall have the following meanings:

(a) "Act" refers to the "Texas Employees Uniform Group Insurance Benefits Act," S.B. 18, Acts of the 64th Legislature, Regular Session 1975, Article 3.50-2, Texas Insurance Code (Supplement 1975).

(b) "Program" refers to the Texas Employees Uniform Group Insurance Program as established by the trustee.

(c) "Basic plans" refers to active employee medical care coverages which provide one or more levels of benefits, including uniform life and accidental death and dismemberment coverages.

(d) "Low plan" means the lowest level of benefits provided by the basic plans.

(e) "Retiree plan" refers to medical care benefits provided to retired employees.

(f) "Group Insurance Division" is the division of the Employees Retirement System of Texas established to administer benefits of Article 3.50-2, Texas Insurance Code (Supplement 1975).

(g) "Agency" or "department" means any division of the government of the State of Texas as contemplated by the act.

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762883      Everett L. Anschutz  
Executive Secretary  
Employees Retirement System  
of Texas

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 476-6431.

### Insurance-- Supplemental Coverage 335.80.04

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt Rule 335.80.04.101 to guide individuals and groups that desire to petition for uniform group insurance programs in addition to those existent. This rule is proposed by authority of Section 4(h) of Article 3.50-2, Texas Insurance Code (Supplement 1975).

*.101. Petitions for Supplemental Coverage.* A petition to the trustee or the Group Insurance Advisory Committee from an agency head or group of employees or retirees requesting the immediate establishment of any supplemental insurance benefits coverage program must include a clear and concise statement of the type and extent of coverage desired. The petition must show that the requested coverage is not detrimental to or in conflict with existing coverages provided by the trustee under the act.

To be appropriate, the proposed plan must meet requirements of the act which include review by the Group Insurance Advisory Committee, actuarial soundness, competitive bidding, attendant minimum partici-

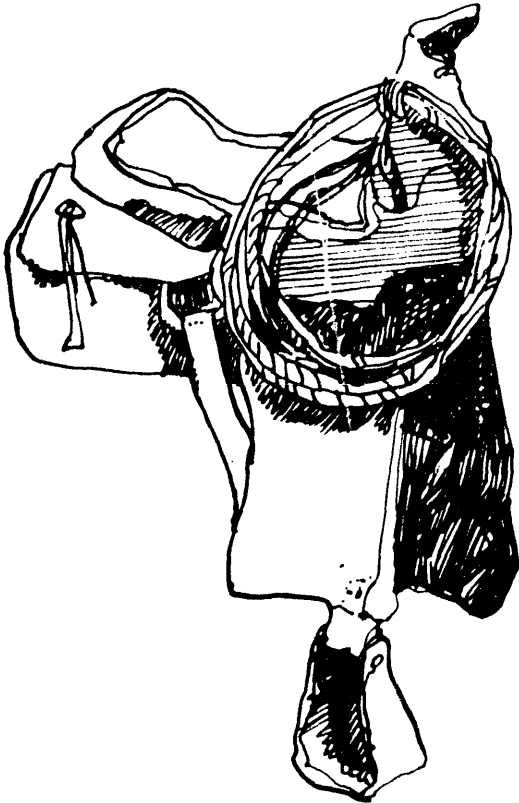
pation standards, and evidence that the desired coverage is in the best interest of the people covered by the act.

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762884     Everett L. Anschutz  
Executive Secretary  
Employees Retirement System  
of Texas

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 476-6431.



## Uniform Group Insurance Policy 335.80.05

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt Rules 335.80.05.107-.108, as set out below. These rules are proposed to answer basic questions concerning the Texas Employees Uniform Group Insurance Benefits Act, Article 3.50-2, Texas Insurance Code (Supplement 1975), and are proposed by authority of Section 4(h) of the act.

Rule 335.80.05.107 states basic policy regarding agency supplemental group insurance optional programs. Rule 335.80.05.108 establishes the policy directing the application of the state's contribution toward each employee's or retiree's uniform group insurance coverage.

*.107. Supplemental Group Insurance Benefits Programs.* Whereas the group insurance programs previously adopted by the agencies which come within purview of the act shall cease upon implementation of the act, an agency may establish a supplemental group insurance program only if the program is deemed to be appropriate by the trustee and if the program is established under the provisions of the act.

*.108. State Contributions on Behalf of Covered Employees and Retirees.* For each person covered, either as an employee or as a retiree, an agency shall pay toward the cost of the employee's or retiree's group insurance coverage an amount equal to that authorized by the legislature in the general appropriation bill. That amount shall be applied only to the active employee basic plans or the retiree plan.

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762882     Everett L. Anschutz  
Executive Secretary  
Employees Retirement System  
of Texas

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 476-6431.

## Insurance Administrative Procedure 335.80.10

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt Rules 335.80.10.101-.102. These rules are designed to establish a grievance procedure and a hearing procedure and are proposed in response to the mandate of Section 4(e), Article 3.50-2, Texas Insurance Code (Supplement 1975). These rules are proposed by authority of Section 4(h) of the act.

*.101. Grievance Procedure.* A person with a grievance regarding the allowance and payment of claims, eligibility, and other matters involving the program shall follow the listed steps in order:

- (a) submit, within 90 days following notice of the adverse action, the complaint to the supervisor or the insurance coordinator of the agency for review;
- (b) if the matter is not satisfactorily resolved, an appeal shall be made in writing, in not less than seven

or more than 30 days, directly to the carrier or other adverse party, with a copy to the Group Insurance Division of the Employees Retirement System. The adverse party shall furnish a copy of its response to the Group Insurance Division;

(c) if the matter is not satisfactorily resolved within 10 days, a written appeal shall be submitted within 30 days of completion of step (b) to the Group Insurance Division. If the appeal is not satisfactorily resolved within 10 working days after the written appeal is received, the claimant may request a formal hearing.

The executive secretary may, in the interest of expediting the complaint, waive one or more of the above steps. The executive secretary, for good cause, may extend the time requirements in any of the above steps.

*.102. Hearing Procedure.* To be timely, the request for a formal hearing must be made within six months after the date of written appeal to the adverse party, or within 30 days after the date of the written appeal to the Group Insurance Division, whichever is later. All hearings shall be conducted in accordance with the Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes. The hearing shall be conducted within 30 days after submission of a timely request. Notice of the hearing shall be provided to all parties at least 10 days before the date of the hearing. Ordinarily, hearings shall be conducted in the City of Austin; however, the executive secretary of the Employees Retirement System, for good cause, may designate the hearings to be held elsewhere within the State of Texas. A party to the contested case may be required to pay for any transcription or reproduction of the hearing prepared at that party's request. All parties to the contested case may be assisted by counsel. All parties may present witnesses, books, records, and other evidence relevant to their claim. Evidence shall be governed by the rules of evidence used in non-jury civil trials in the district courts of the State of Texas.

Upon completion of the adjudicative proceeding, the hearing officer shall forward a recommendation and the record of the proceeding to the executive secretary of the Employees Retirement System. The executive secretary shall make a decision within 15 days after the close of the hearing. A party of the contested case within 15 days may appeal the executive secretary's decision by written declaration to the trustee. The trustee shall issue a final decision within 60 days after the close of the hearing unless a longer period of time, but not more than 120 days, was announced at the close of the hearing.

If the executive secretary declines to decide the contested case, the recommendation of the hearing officer and record of the hearing shall be forwarded to the trustee. Otherwise, the recommendations of the execu-

tive secretary and the hearing officer, together with the record, shall be forwarded to the trustee. A party of the contested case must file a motion for rehearing within 15 days after the date of final decision by the trustee. A grant or denial of the motion shall be issued within 45 days after the date of rendition of the final decision.

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762885      Everett L. Anschutz  
Executive Secretary  
Employees Retirement System  
of Texas

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 476-6431.

## Eligibility and Coverage 335.80.20

The Board of Trustees of the Employees Retirement System of Texas proposes to adopt Rules 335.80.20.101-105. These rules are proposed to establish guidelines for eligibility and coverage under the Texas Employees Uniform Group Insurance Benefits Act, Article 3.50-2, Texas Insurance Code (Supplement 1975), and are proposed by authority of Section 4(h) of the act.

*.101. Insurance Coverage Eligibility.* A person is eligible for coverage as of that person's first day on the state payroll, first day as an annuitant of a state retirement system, or upon taking the oath of office. The following active employees are ineligible for coverage:

- (a) persons who regularly work less than 16 hours per week;
- (b) persons who regularly work less than 40 percent of the pay period;
- (c) persons hired as seasonal or temporary employees not expected to be employed for more than four consecutive weeks; or
- (d) persons who specifically waive coverage.

A surviving spouse annuitant of a retired employee is eligible for coverage under the retiree plan. Such surviving spouse who becomes eligible for coverage as an active employee shall be ineligible for coverage under the retiree plan, but shall be eligible to resume coverage under the retiree plan upon termination of employment. Coverage as an active employee or as an annuitant shall be effective provided application is made within 31 days after the date of eligibility.

*.102. Terminating Employees.* Every terminating employee shall be covered for the pay period for which that employee pays premiums or has premiums paid on that employee's behalf.

**.103. Leave of Absence Without Pay.**

(a) To be considered on leave of absence without pay, an employee must be certified by the appropriate agency head to be absent by pre-arrangement and expected to return to regular duty within a specified time.

(b) For purposes of the program, leave of absence without pay includes training assignments, educational or military, and active service in the Texas National Guard when called by the governor, but does not include any period of federal active duty military service.

(c) Any person certified to be on leave of absence September 1, 1976, may participate in the program on the same basis as active employees subject to the following:

(1) Such participation will be automatically terminated on August 31, 1977, unless the person has returned to active duty and is eligible to continue participation as an active employee.

(2) Such person shall enroll for coverage on or before October 1, 1976.

(3) Coverage selected at the time of initial enrollment may not be up-graded or increased prior to August 31, 1977, except that such person may apply for disability coverage within 31 days after returning to regular duty.

(4) Such person is ineligible for state contribution, and must pay the entire premium when due each month in accordance with procedures adopted by the trustee and explained at the time of enrollment.

(5) If such person fails to enroll on or before October 1, 1976, any future application while in a leave without pay status for coverage to be effective prior to August 31, 1977, will be subject to approval only upon evidence of insurability satisfactory to the insurance carrier.

(d) Any person certified to be in a leave without pay status for a period beginning on or after the employee is covered by the program in the fiscal year ending August 31, 1977, may continue to participate, subject to the following conditions:

(1) Such person shall be ineligible for state contribution and must pay the entire premium when due each month in accordance with the procedures adopted by the trustee.

(2) If coverage is cancelled for failure to pay premiums when due, any future application while in a leave without pay status for coverage to be effective prior to August 31, 1977, will be subject to approval only upon evidence of insurability satisfactory to the insurance carrier.

(e) With respect to leave of absence without pay which begins on or after September 1, 1976, insurance participation will be terminated automatically after one year from the first day of the leave unless the person has returned to regular duty.

Eligibility for coverage after the end of contract year

shall be determined by the terms of the program's provisions effective on the first day of the succeeding contract year.

**.104. Automatic Coverage.** Every fulltime employee who is not a retiree annuitant is automatically covered by the low plan unless he either specifically waives any participation in the plans or elects to take additional coverages available. Every retiree annuitant is automatically covered by the retiree plan unless he specifically waives any participation.

**.105. Change in Coverage.** Any person may reduce coverage upon filing of the required application. Any eligible employee may apply for increased coverage during an open enrollment period for this purpose, and within the first 31 days after:

(a) first day of eligibility;

(b) an increase in the number of dependents; or

(c) an involuntary loss of group insurance coverage by a dependent if the dependent will submit an affirmed statement to that effect.

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762886

Everett L. Anschutz  
Executive Secretary  
Employees Retirement System  
of Texas

Proposed Date of Adoption July 1, 1976

For further information, please call (512) 476-6431.

## Texas State Library Rules for Library Development

### Guidelines for System Grants in FY 1977 351.20.03

The Texas State Library is proposing to adopt Rule 351.20.03.001, which establishes the guidelines used by system member libraries in making application for system grants in FY 1977.

The *Guidelines for System Grants in FY 1977* includes due dates for system plans of service, estimated allocation of grants to systems, options for development of programs and required documentation, general criteria for systems to make application for grants, and specific criteria for evaluating new system proposals.

Public comment is invited. Persons may submit comments in writing addressed to Jimmy Hausenfluke, Texas State Library, Box 12927, Capitol Station, Austin, Texas 78711. Additional information about the proposed rules may be obtained by calling (512) 475-6651.

The following rule is proposed under authority of Article 5446a, Vernon's Annotated Civil Statutes.

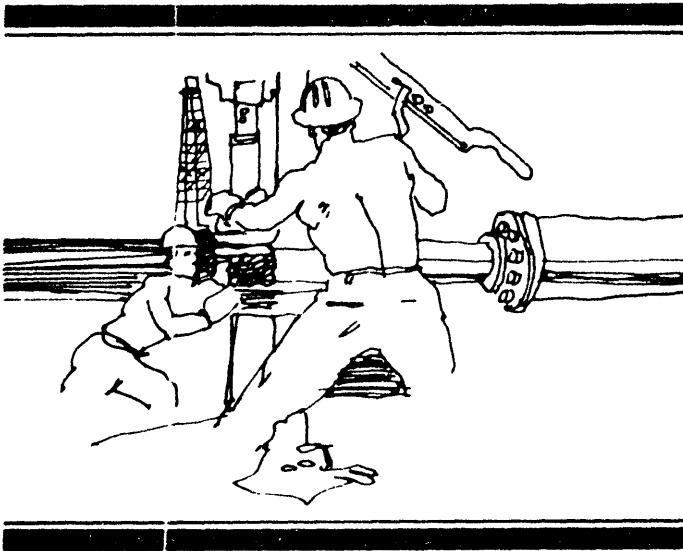
.001. *Adoption by Reference.* The Texas State Library adopts by reference all rules contained in the *Guidelines for System Grants in FY 1977*

Issued in Austin, Texas, on May 17, 1976.

Doc. No. 762860      Dorman H. Winfrey  
Director and Librarian  
Texas State Library

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-6651



## State Department of Public Welfare

### General Information

#### Temporary Adoptions 326.01.01

The Department of Public Welfare proposes to amend its rule adopting by reference the *Food Stamp Handbook* to reflect changes to Sections 4123.2 through 4123.7 of the handbook. The department makes these changes in response to a change in and clarification of federal regulations.

With this amendment, reimbursable medical and unusual expense deductions will terminate when reimbursement is received. Also, households will be allowed deductions for educational expenses paid on behalf of persons who are household members during the certification period, even if they are not enrolled at least half time in a school or training program.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 286, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

.002. *Food Stamp Handbook.* The Department of Public Welfare adopts by reference the rules contained in the policy and procedure narrative sections of the *Food Stamp Handbook as amended in June, 1976*.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762859      Raymond W. Vowell  
Commissioner  
State Department of Public Welfare

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-4601.

## Railroad Commission of Texas

### Transportation Division

#### Equipment: Identification and Reports 051.03.09

The Railroad Commission of Texas is proposing to amend Rule 051.03.09.002, which prescribes the requirements relating to the issuance of identification cards and plates.

The proposed amendment would add language to Section (B) to provide that motor vehicles may not be registered under more than three certificates and/or permits at any time. Sections (A), (C), and (D) of Rule 051.03.09.002 are unchanged by this amendment.

Public comment on the proposed amendment to Rule 051.03.09.002 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until June 30, 1976.

This amendment to Rule 051.03.09.002 is proposed under the authority of Section 4(a) of Article 911a and Section 16(e) of Article 911b, Texas Civil Statutes.

**.002. Current Identification Cards and Plates Required.**

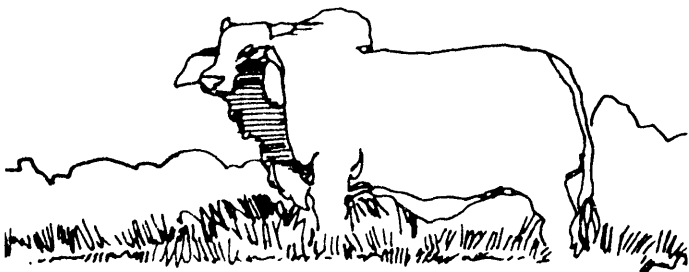
(B) More than one set of intrastate identification cards and plates may be issued for one motor vehicle under different certificates and permits when the certificates and permits under which the motor vehicle is sought to be registered are owned by separate legal entities under common ownership or acquired by a lease approved by the commission and are under common control. **Motor vehicles may not be registered under more than three certificates and/or permits at any time.**

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762798 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption July 5, 1976

For further information, please call (512) 475-3207



**Specialized Motor Carriers of Mobile Homes  
051.03.19**

The Railroad Commission of Texas is proposing to amend Rule 051.03.19.001, which defines the term "specialized motor carriers of mobile homes." Rule 051.03.19.001 also outlines the requirements under which a specialized carrier of mobile homes may enter into a contract with an owner-operator of a motor vehicle to represent the carrier on intrastate transportation at locations other than a company-owned terminal.

The proposed amendment would add language to encompass those agents of specialized motor carriers of mobile homes who do not supply motor vehicles for the conduct of regulated intrastate operations in Texas. The proposed amendment does not alter any existing requirement but rather expands the regulation to extend its application to the referenced category of agents.

Public comment on the proposed amendment to Rule 051.03.19.001 is invited. Comments may be submitted in writing to James H. Cowden, Director, Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711. Comments will be accepted until June 30, 1976.

This amendment to Rule 051.03.19.001 is proposed under the authority of Section 4(a) of Article 911b, Texas Civil Statutes.

**.001. Definition.** For the purpose of interpreting the provisions of this Part 19, a specialized motor carrier of mobile homes is a carrier holding certificates or permits authorizing the transportation of new or used mobile homes, house trailers, cabin trailers, or bungalow trailers.

A specialized carrier of mobile homes may enter into a contract with an owner-operator of a motor vehicle **or a commission agent** to represent the carrier on intrastate transportation at locations other than a company-owned terminal as provided:

(A) a copy of the contract has been filed with the director of transportation prior to commencing operations under the contract;

(B) the contract must provide the address where the base of operations will be conducted;

(C) the carrier maintains records in his principal office of all services performed by the owner-operator **or commission agent** on vehicles registered with this commission;

(D) all advertisement, written or otherwise, must be in the carrier's certificated name;

(E) every owner-operator **or commission agent** shall keep a copy of all shipments and services which he negotiates or handles for at least two years after date of the shipment or service;

(F) each carrier who has an owner-operator **or commission agent** to represent them in an area shall require the owner-operator **or commission agent** to keep copies of the carrier's tariff in his office, open to public inspection;

(G) each carrier shall be responsible for the acts, delinquencies, omissions, and conduct of each of his owner-operators **or commission agents** during the period of the contract;

(H) the carrier must notify the director of transportation in writing within five days of the effective date of all terminated contracts.

Issued in Austin, Texas, on May 24, 1976.

Doc. No 762797 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Proposed Date of Adoption July 5, 1976

For further information, please call (512) 475-3207.



## Texas Water Quality Board

### Construction Grants

#### Priority Funding List 130.03.02

The Texas Water Quality Board is proposing to adopt a **Municipal Construction Grants Priority Funding List** at its July, 1976, regular Texas Water Quality Board meeting.

The **Municipal Construction Grants Priority Funding List** is a listing of the cities and districts that have applied for construction grant funds under P.L. 92-500, the **Federal Water Pollution Control Act**, as amended, and designates which cities and districts are currently in the available funds for this fiscal year. The list must be approved by both the Texas Water Quality Board and the Environmental Protection Agency pursuant to that statute.

A hearing commission of the Texas Water Quality Board will conduct a public hearing beginning at 9 a.m. on Wednesday, June 30, 1976, in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, in order to receive evidence which is relevant and material to the proposed **Municipal Facilities Construction Grant Priority Funding List** for Fiscal Year 1977. The proposed list ranks projects according to the **Municipal Funding Construction Grant Priority Rating Process** and includes projects received prior to December 31, 1975.

The public is invited to attend this hearing and to present oral or written testimony concerning the subject matter. Statements for the record should be received at least 10 days prior to the hearing.

The Texas Water Quality Board intends to adopt by reference all rules contained in the **Priority Funding List**. Copies of the list may be obtained from the **Construction Grant Section, Central Operations Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7891.**

These rules are promulgated pursuant to the authority of Section 21.070 of the Texas Water Code, Vernon's Annotated Texas Statutes.

*.003. Adoption by Reference.* The Texas Water Quality Board adopts by reference all rules contained in the **Priority Funding List of July, 1977.**

Issued in Austin, Texas, on May 18, 1976.

Doc. No. 762820      William E. Berger  
Staff Assistant  
Texas Water Quality Board

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-7891.

### Water Quality Management Program

#### Fiscal Year 1977 130.10.02

The Texas Water Quality Board is proposing to adopt the **State Water Quality Program** for Fiscal Year 1977. The program has been developed to satisfy the criteria established by Section 106 of the **Federal Water Pollution Control Act**, as amended, and represents the short-range water quality management tool of the Texas Water Quality Board from the period October 1, 1976, through September 30, 1977.

A hearing commission of the Texas Water Quality Board will conduct a public hearing beginning at 9 a.m. on Wednesday, June 30, 1976, in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, in order to receive evidence which is relevant and material to the proposed **State Water Quality Management Program** for Fiscal Year 1977.

The public is invited to attend this hearing and to present oral or written testimony concerning the subject matter. Statements for the record should be received at least 10 days prior to the hearing.

The Texas Water Quality Board intends to adopt by reference all rules contained in the **Water Quality Management Program**. Copies of the proposed **Water Quality Management Program** for Fiscal Year 1977 can be obtained from **Claude (Frosty) Gray, Administrative Operations Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711.**

These rules are promulgated pursuant to the authority of Section 21.071 of the Texas Water Code, Vernon's Annotated Texas Statutes.

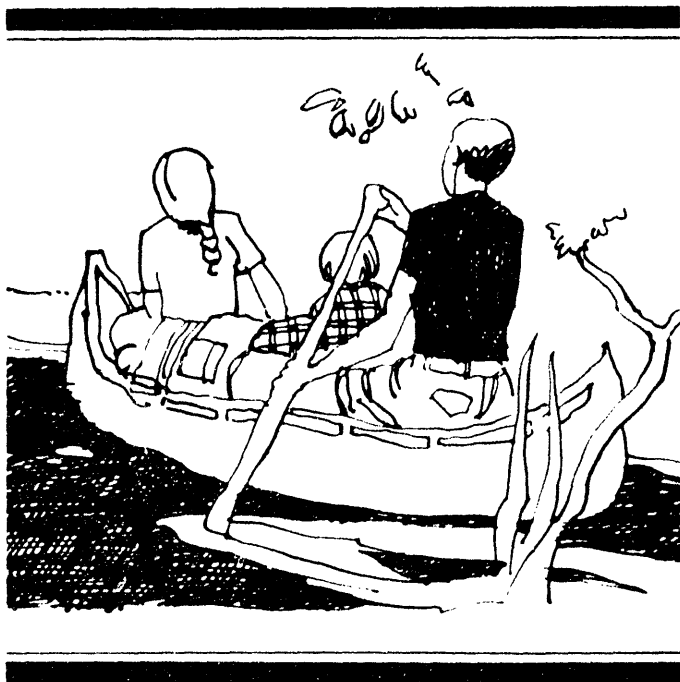
.002. *Adoption by Reference.* The Texas Water Quality Board adopts all rules contained in the Fiscal Year 1977 Water Quality Management Program by reference.

Issued in Austin, Texas, on May 18, 1976.

Doc. No. 762842      William E. Berger  
Staff Assistant  
Texas Water Quality Board

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-3454.



## Texas Water Rights Commission

### Rules for Operation of the Lower Rio Grande

#### Amendments to and Sales of Water Rights 129.21.10

The Texas Water Rights Commission proposes to amend Rule 129.21.10.004, which deals with applications to amend water rights in the Lower Rio Grande Basin and, in part, provides that notice must be sent by

first-class mail to all water right holders in the Rio Grande Basin and diverters of water from the Rio Grande below Amistad Dam of the hearing date of an application to amend a water right in the Lower Rio Grande Basin.

The proposed amendment eliminates the requirement of sending notice of the hearing by first-class mail. The commission has found that filing due notice of the hearing with the secretary of state is sufficient. Notice of hearing by first-class mail serves no useful purpose because water rights in the Lower Rio Grande Basin are adjudicated and water is delivered by specific releases from Falcon Reservoir. The amendment also indicates a modified letter and number designation of the remaining text which corresponds with the change to be made.

All interested persons are requested to submit in writing their comments on the proposed rule amendment to the Texas Water Rights Commission, P.O. Box 13007, Austin, Texas 78711.

The amendment to Rule 129.21.10.004 is proposed under the authority of Section 6.055, Texas Water Code.

.004. *Amendments.* In accordance with Rule 129.21.10.001, the commission will consider applications to amend water rights. Applications must meet all of the requirements for an original permit as set out in Chapter II, but use of commission forms is not required.

a. Documents needed to file: [.] An application prepared to reflect the desired change(s) and executed as provided by Rule 129.02.15.012.

b. [1.] Fees:

1. [A.] \$25 filing fee

2. [B.] \$1 per page recording fee

[C.] Postage charges for notice by first-class mail]

[b. Notice and Hearing. Notice of hearing shall be given to all water right holders in the Rio Grande Basin and diverters of water from the Rio Grande below Amistad Dam. A public hearing will be held at the time and place set forth in this notice.]

c. Action of the Commission: [.] The commission will grant or deny the application and issue its decision in writing. If the application is granted, in whole or in part, the amendment will be recorded in the affected county(ies) at the applicant's expense.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762792      Joe D. Carter  
Chairman  
Texas Water Rights Commission

Proposed Date of Adoption: July 1, 1976

For further information, please call (512) 475-2711.



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.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

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

## Comptroller of Public Accounts

### Tax Administration

#### Sales Tax Division 026.02.20

Under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes, the Comptroller of Public Accounts has amended Rule 026.02.20.037 to read as follows:

*.037. Federal Agencies and Instrumentalities.*

(1) Definition of federal agencies and instrumentalities.

(a) "The United States" as used in Article 20.04(H)(1), Taxation-- General, Texas Civil Statutes, (Supplement 1975), and in this rule shall include all parts of the executive, legislative, and judicial branches and all independent boards, commissions, and agencies of the United States Government.

(b) Instrumentalities and agencies of the United States shall include:

(i) various military entities under the supervision of a base commander and organized with appropriated funds,

(ii) organizations contracting with the United States whose contract explicitly states that they

are agents of the United States,

(iii) organizations wholly owned by the United States or wholly owned by an organization which is itself wholly owned by the United States,

(iv) organizations specifically named as agents of the United States or exempted as an instrumentality of the United States by specific federal statute,

(v) organizations having substantially all of the following characteristics:

(A) they are funded by the United States,

(B) they effectuate a specific program of the United States,

(C) their affairs are handled or controlled by officers of the United States,

(D) their officers are appointed by the United States,

(E) they perform commitments of the United States under an international treaty, and

(F) they are not organized for private profit.

(2) Corporate agencies and instrumentalities.

(a) Corporate agencies and instrumentalities of the United States must be wholly owned by the United States or by a corporation which is itself wholly owned by the United States in order to be exempt under Article 20.04(H)(1), Taxation-- General, Texas Civil Statutes (Supplement 1975).

(b) The term "wholly owned" as used in this rule shall mean total or 100 percent ownership by the United States.

(3) Any agency or instrumentality claiming exemption under this rule must make an application in writing stating the grounds upon which it is relying. The Comptroller of Public Accounts may require the submission of such papers and other documentation as deemed necessary in making a determination of exempt status. It shall be the burden of the agency or instrumentality claiming exemption to prove such exemption to the comptroller.

(4) Sales by agencies and instrumentalities of the federal government shall be subject to this tax, and, except in cases where such collection is specifically prohibited by federal law, the tax shall be collected and remitted by such agency or instrumentality. In the event such collection is prohibited by specific federal law, the purchaser of such tangible personal property shall be subject to the use tax and shall pay such tax directly to the State of Texas.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762841      Bob Bullock  
Comptroller of Public Accounts

Effective Date: June 14, 1976

For further information, please call (512) 476-3825.

## Texas State Board of Control

### Central Purchasing Division

#### Purchasing 028.12.01.057

Under the authority of Article 664-3, Vernon's Texas Civil Statutes, the Texas State Board of Control has amended Rule 028.12.01.057 to read as follows:

*.057. Open Market Purchases.* Open market purchases include items not listed in term contracts. Requests for the purchase or rental of equipment, material, or supplies will be for specified quantities and must be submitted on approved requisition forms.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762875    Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.

(3) A bidder may bid all zones of the state, as described in the 'General Instruction to Bidders' accompanying the invitation for bids, or he may bid one or more selected zones, but he must bid for an entire zone. Any exception that requires bidding the entire state will be shown in the invitation for bids.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762876    Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.

#### Inspection 028.12.03

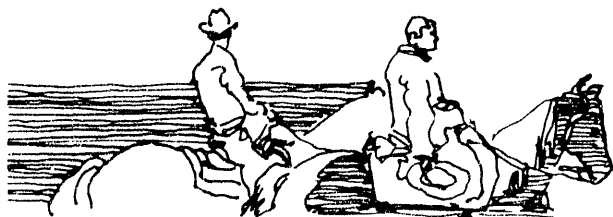
Under the authority of Article 664-3, Vernon's Texas Civil Statutes, the Texas State Board of Control has repealed Rule 028.13.03.356, which related to a vendor's responsibility to pay for the cost of testing under certain conditions, and to permit testing at his place of business or manufacture.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762877    Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.



#### 028.12.01.058

Under the authority of Article 664-3, Vernon's Texas Civil Statutes, the Texas State Board of Control has amended Sections (2) and (3) of Rule 028.12.01.058(b) to read as follows:

##### *.058. Term Contracts.*

(b)(2) Discount-from-list type of bid provides for discounts from a manufacturer's price list, which must accompany the bid, or a percentage add-on to the vendor's cost list. Price changes are acceptable under approved conditions. Requests for price increases must be documented with a new price list from the manufacturer, covering the items in question. The new net unit prices will be computed at the same percentage as reflected in the original bid and price list. Where discount-from-list bids are requested, firm price bids will not be accepted.

#### Leasing 028.12.04.401

Under the authority of Article 666b, Vernon's Texas Civil Statutes, the State Board of Control has amended Rule 028.12.04.401(a) to read as follows:

##### *.401. Definitions of Terms Used in This Category of Rules.*

(a) "In the vicinity," when used in a set of specifications, shall mean an area no smaller than:

- (1) a circle with a three-mile radius where the city is at least 500,000 or more in population;
- (2) a circle with a 2-1/2 mile radius where the city is at least 300,000 but less than 500,000 in population;
- (3) a circle with a two-mile radius where the city is at least 150,000 but less than 300,000 in population;

(4) a circle with a 1-1/2 mile radius where the city is at least 75,000 but less than 150,000 in population;

(5) a circle with a one-mile radius where the city is at least 40,000 but less than 75,000 in population; or

(6) the entire city if the population is less than 40,000.

Notwithstanding the foregoing, the board reserves the right to extend any circle described above in order to preserve competition among bidders for the lease space requested.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762878     Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.

#### 028.12.04.402

Under the authority of Article 666b, Vernon's Texas Civil Statutes, the Texas State Board of Control has added a new subsection (3) to Rule 028.12.04.402(d), which reads as follows:

*.402. Receipt and Processing of Requisitions for Leased Space.*

(d)(3) Whenever the requesting agency desires a location limited by the term "in the vicinity," as defined in Rule .401(a) herein, said agency shall supply a written statement on its requisition to the board explaining why the limitation is required.

Issued in Austin, Texas on May 24, 1976.

Doc. No. 762879     Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.

#### Surplus Property Sales 028.12.05

Under the authority of Section 9 of Article 666, Vernon's Texas Civil Statutes, the Texas State Board of Control has amended paragraph (B), subsection (1), of Rule 028.12.05.492(e) to read as follows:

*.492. Sale and Disposition of Surplus and Salvage Property.*

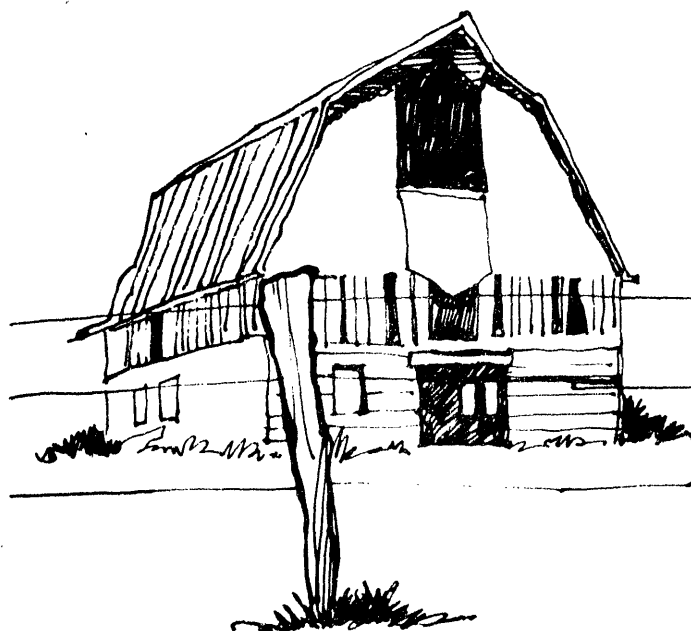
(e)(1)(B) When a bid deposit is required the deposit must be in the amount specified in the bid invitation. Only the following will be considered as meeting the bid deposit requirements: a cashier's check, a certified check, a money order, or cash in the amount specified in the bid invitation. Failure to include a bid deposit in the proper amount will automatically disqualify a bid.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762880     Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.



#### Building and Property Services Division 028.13.00

The Texas State Board of Control has adopted Rule 028.13.00.505(g) with one change in the text. The change is made to ensure that the rule relates only to cabinets, bookcases, counters, and partitions which are built-in.

Comment regarding this rule was received from James F. Ray, Executive Director of the Texas Advisory Commission on Intergovernmental Relations, expressing concern over the board's understanding of this rule relating to modification of facilities. It was suggested by Mr. Ray that the proposed language left unclear whether the adjective "built-in" related to all of the items listed or just to cabinets. Mr. Ray's proposed solution was accepted by the board, and the rule was adopted with that one change.

Under the authority of Articles 665, 673, 678f, 678m and 6252-6, Vernon's Texas Civil Statutes, the Texas State Board of Control has adopted Rule 028.13.00.505(g) to read as follows:

**.505. Modification of Facilities.**

(g) All modifications or improvements to buildings carried on the State Board of Control inventory which become attached to and considered a part of the building may not be removed by the occupying agency without board approval, regardless of the source of funds used in making the improvement. Such improvements include, but are not limited to, carpets, and built-in cabinets, bookcases, counters, partitions, etc. Modifications or improvements affected by this rule may not be carried on the personal property inventory of the occupying agency.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762881      Homer A. Foerster  
Executive Director  
Texas State Board of Control

Effective Date: June 15, 1976

For further information, please call (512) 475-5966.

## Texas Education Agency State Commissioner of Education

Adoption by Reference 226.13.91

The Texas Education Agency has amended Rule 226.13.91.010, the permanent adoption by reference of *School District Data Submission to the Texas Education Agency*, Bulletin No. 742. The bulletin has been updated. There was no change in the proposed text.

This rule is promulgated under the authority of Section 11.52(d), Texas Education Code.

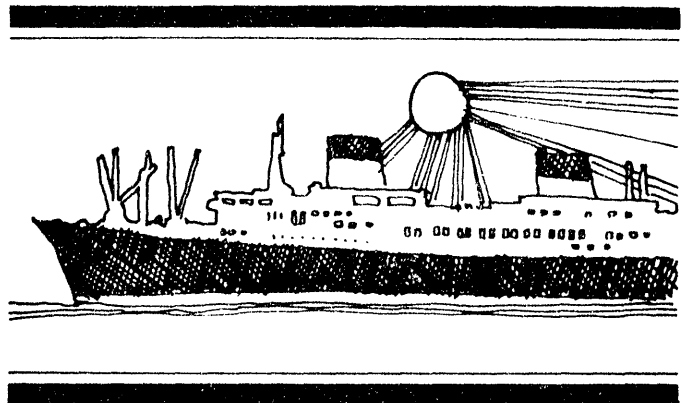
**.010. School District Data Submission to the Texas Education Agency, Bulletin No. 742.** The rules for data submission to the Texas Education Agency are described in the official Texas Education Agency Bulletin *School District Data Submission to the Texas Education Agency*, Bulletin No. 742, as amended, March, 1976, which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas.

Issued in Austin, Texas, on May 23, 1976.

Doc. No. 762774      M. L. Broquette  
Commissioner of Education

Effective Date: June 13, 1976

For further information, please call (512) 475-2268.



## Texas Department of Mental Health and Mental Retardation

Rules of the Commissioner of  
MH/MR Affecting Client  
(Patient) Care

Rights of Patients and Residents

302.04.16.001

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.16.001 to read as follows:

**.001. Purpose.** The purpose of these rules is

(1) to specify the rights guaranteed to patients in state hospitals by the Texas Mental Health Code, Article 5547-24, Article 5547-86, and Article 5547-87, Vernon's Annotated Civil Statutes; by Section 3, Article 3196c-1, Vernon's Annotated Civil Statutes; by Section 13, Article 5561c, Vernon's Annotated Civil Statutes; and by Part 2 of Title 42 of the Code of Federal Regulations;

(2) to specify that the rights guaranteed to patients in state hospitals by the Texas Mental Health Code, Article 5547-24, Article 5547-86, and Article 5547-87, Vernon's Annotated Civil Statutes, shall also apply to residents of state schools for the mentally retarded and all other facilities of the Texas Department of Mental Health and Mental Retardation;

(3) to specify the rights guaranteed to voluntary residents of state schools for the mentally retarded by Section 9(b), Article 3871b, Vernon's Annotated Civil Statutes;

(4) to specify additional rights of patients and residents;

(5) to require the printing of a *Patients' and Residents' Rights Handbook* and the distribution of the handbook to patients and residents of mental health facilities and mental retardation facilities.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762807      Kenneth D. Gaver, M.D.  
                                  Commissioner  
                                  Texas Department of Mental  
                                  Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.



### 302.04.16.004

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.16.004 to read as follows:

#### *.004. Rights of Voluntary Patients of State Mental Hospitals.*

(a) Article 5547-24, Vernon's Annotated Civil Statutes, provides certain rights to voluntary patients of state mental hospitals. Article 5547-24, Vernon's Annotated Civil Statutes, reads as follows:

"Advising of patient's rights. Upon admission of a voluntary patient to a mental hospital, the head of the hospital shall inform the patient and any relative or friend who accompanies him to the hospital, in simple, non-technical language concerning:

"(a) the right of the patient to leave the hospital 96 hours after filing with the head of the hospital a written request for his release, signed by the patient or someone on his behalf and with his consent;

"(b) the right of *habeas corpus*, which is not affected by his admission to a mental hospital as a voluntary patient;

"(c) the fact that his civil rights and legal capacity are not affected by his admission to a mental hospital as a voluntary patient; and

"(d) the 'Rights of Patients' set forth in this code." Acts 1957, 55th Legislature, Page 505, Section 24, Chapter 243.

(b) Subsection (a) of Article 5547-24, Vernon's Annotated Civil Statutes, quoted in subsection (a) of this rule, has no application to a voluntary patient of a state mental hospital who was admitted to the hospital upon his or her voluntary application as provided in Section 13, Article 5561c, Vernon's Annotated Civil Statutes, which deals with voluntary admissions to state mental hospitals of alcoholic patients, and which reads, in relevant part, as follows: ". . . Such (voluntarily admitted alcoholic patient) must be released within 10 days after receipt in writing of notice from such person of his or her intention or desire to leave."

(c) Subsection (a) of Article 5547-24, Vernon's Annotated Civil Statutes, quoted in subsection (a) of this rule, has no application to a voluntary patient of a state mental hospital who was admitted to the hospital as provided in Section 3, Article 3196c-1, Vernon's Annotated Civil Statutes, which deals with voluntary admission to state mental hospitals of narcotic drug addicts. Section 3, Article 3196c-1, Vernon's Annotated Civil Statutes, reads, in relevant part, as follows: "A patient admitted to a state hospital under the provisions of this article may be treated in the hospital until he is pronounced cured by the medical authorities of the hos-

pital unless the superintendent of the hospital determines that further treatment will not likely be beneficial; provided, however, that the patient shall be released upon his request for release at any time."

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762808 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

### 302.04.16.008

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.16.008 to read as follows:

*.008. Rights of Patients of Mental Health Facilities as to Disclosure of Information.*

(a) Article 5547-87, Vernon's Annotated Civil Statutes, provides for rights of patients of mental health facilities with reference to disclosure of information. Article 5547-87, Vernon's Annotated Civil Statutes, reads as follows:

"Disclosure of information.

"(a) Hospital records which directly or indirectly identify a patient, former patient, or proposed patient shall be kept confidential except where:

"(1) consent is given by the individual identified, his legal guardian, or his parent if he is a minor;

"(2) disclosure may be necessary to carry out the provisions of this code;

"(3) a court directs upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make such disclosure would be contrary to the public interest; or

"(4) the board or the head of the hospital determines that disclosure will be in the best interest of the patient.

"(b) Nothing in this section shall preclude disclosure of information as to the patient's current condition to members of his family or to his relatives or friends." Acts 1957, 55th Legislature, Page 505, Section 87, Chapter 243.

(b) Disclosure of information concerning alcohol and drug abuse patients is governed by Part 2 of Title 42 of the Code of Federal Regulations, "Confidentiality of Alcohol and Drug Abuse Patient Records," promulgated by the Secretary of the United States Department of Health, Education, and Welfare, and published in the

*Federal Register (FR) Volume 40, Number 127-- Tuesday, July 1, 1975 (40 FR 27801-27821). A copy of the regulations is attached to these rules as exhibit A.*

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762809 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

### 302.04.16.011

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.16.011 to read as follows:

*.011. Patients' and Residents' Rights Handbook.*

(a) The department will publish a patients' and residents' rights handbook to be entitled, "Your Rights and Privileges in Facilities of the Texas Department of Mental Health and Mental Retardation." The department will update and republish said handbook from time to time.

(b) The *Patients' and Residents' Rights Handbook* will be printed in both English and Spanish.

(c) The *Patients' and Residents' Rights Handbook* will contain an interpretation, written in simple, non-technical language, of the various rights afforded patients and residents of department facilities.

(d) Effective immediately, department facilities will cease publication and distribution of their individual pamphlets, brochures, statements, and other materials on patients' and residents' rights.

(e) Only the *Patients' and Residents' Rights Handbook* published by the department, will be distributed to patients and residents of department facilities.

(f) Upon notification by the department of the availability of the *Patients' and Residents' Rights Handbook*, the superintendent or director of each department facility will order from Central Office Purchasing and Supply Division, using appropriate B-17a procedures, sufficient copies of the handbook to distribute a copy to each patient and resident in residence at the time and to distribute a copy to all new patients and residents on admission.

(g) Copies of the handbook will be displayed prominently and at all times in patient and resident dayrooms, recreation rooms, and other gathering places frequented by patients and residents in social activities.

(h) Cost of printing will be borne by each department facility and payment made to Central Office Reproduction Services through revolving fund transfers.

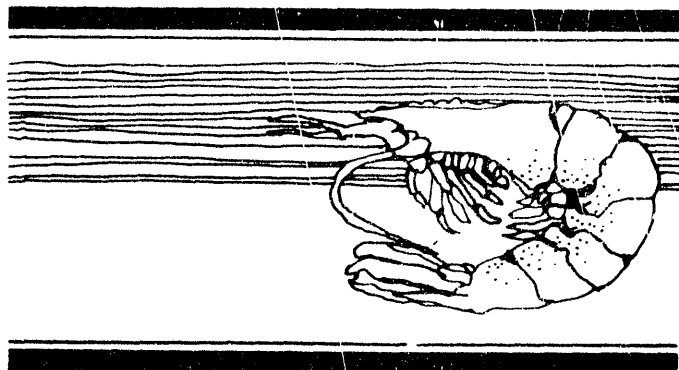
(i) Superintendents and directors will make certain an ample supply of handbooks is in facility inventories to fulfill requirements for a 12-month period and will maintain adequate supplies on hand thereafter.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762810 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.



### 302.04.16.012

Pursuant to the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has repealed Rule 302.04.16.012, which provided for the contents, publication, and distribution of a residents' rights handbook.

The repeal of Rule 302.04.16.012 was the result of the department's decision to publish and distribute a handbook containing the rights of both residents and patients instead of a separate handbook for patients and a separate handbook for residents.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762811 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

### 302.04.16.013

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.16.013 to read as follows:

.013. *References.* Reference is made to the following statutes and federal regulations:

- (1) Article 5547-24, Vernon's Annotated Civil Statutes;
- (2) Article 5547-86, Vernon's Annotated Civil Statutes;
- (3) Article 5547-87, Vernon's Annotated Civil Statutes;
- (4) Article 3871b, Vernon's Annotated Civil Statutes;
- (5) Article 5561c, Vernon's Annotated Civil Statutes;
- (6) Article 3196c-1, Vernon's Annotated Civil Statutes;
- (7) Part 2 of Title 42 of the Code of Federal Regulations.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762812 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

### Departmental Procedures for the Protection of the Rights of Humans Involved in Research 302.04.21.004

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.21.004(5) to read as follows:

.004. *Definitions.* In these rules,

- (5) "Non-intrusive investigation" means a study in which the subject is not directly or personally involved and which will not alter the social, psychological, or physiological state of the subject in any way.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762813 Kenneth D. Gaver, M.D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

## 302.04.21.008

Under the authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, the Texas Department of Mental Health and Mental Retardation has amended Rule 302.04.21.008(a)(4) to read as follows:

### .008. *Duties of Committees.*

(a)(4) The committee will receive and review all protocols and research proposals from the Human Assurance Committee of the research facility for the purpose of determining their appropriateness and compliance prior to their implementation. Action of the committee, whether it be approval or disapproval, will be certified on the front page of the proposal by the chairman, the date noted, and the action reported to the originator of the proposal. If a proposal is not approved, reasons for disapproval will be given. Proposals may be resubmitted after corrective modifications have been made.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762814      Kenneth D. Gaver, M.D.  
                                  Commissioner  
                                  Texas Department of Mental  
                                  Health and Mental Retardation

Effective Date: June 13, 1976

For further information, please call (512) 454-3761.

## Admissions, Transfers, Furloughs, and Discharges--State Mental Health Facilities 302.04.23

The Texas Department of Mental Health and Mental Retardation, by authority of Section 2.11(b), Article 5547-202, Texas Civil Statutes, has adopted Rules 302.04.23.001-.062, without any change in the proposed text.

No comments of any nature were submitted to the department concerning the adoption of the rules.

Because of the length of these rules, the *Texas Register* will not publish the complete text. The rules may be examined at the office of the Texas Register Division, Suite 550, Texas Commodore Building, 8th and Brazos Streets, Austin, and at the Texas Department of Mental Health and Mental Retardation at 900 West 45th Street, Austin, during normal working hours. Listed below are the rule titles and numbers.

- .001. *Purpose.*
- .002. *Applicability.*
- .003. *Definitions.*
- .004. *Admissions: Purpose for Implementation of Admission Criteria.*

.005. *Admissions: Clinical and Social Grounds Necessary to Justify Admission.*

.006. *Admissions: Applicability of Criteria Sets.*

.007. *Admissions: Department Policy of Encouraging Voluntary Admissions in Preference to Involuntary Commitments.*

.008. *Admission Criteria Set for Adults-- Diagnosis: Senile and Pre-senile Dementia (DSM-II: 290).*

.009. *Admission Criteria Set for Adults-- Diagnosis: Alcoholic Psychosis (DSM-II: 291).*

.010. *Admission Criteria Set for Adults-- Diagnosis: Psychosis Associated With Intracranial Infection (DSM-II: 292).*

.011. *Admission Criteria Set for Adults-- Diagnosis: Psychosis Associated With Other Cerebral Condition (DSM-II: 293).*

.012. *Admission Criteria Set for Adults-- Diagnosis: Psychosis Associated With Other Physical Condition (DSM-II: 294).*

.013. *Admission Criteria Set for Adults-- Diagnosis: Schizophrenia (DSM-II: 295).*

.014. *Admission Criteria Set for Adults-- Diagnosis: Involutional Melancholia (DSM-II: 296.0).*

.015. *Admission Criteria Set for Adults-- Diagnosis: Manic-depressive Illness, Manic Type (DSM-II: 296.1, 296.33).*

.016. *Admission Criteria Set for Adults-- Diagnosis: Manic-depressive Illness, Depressed Types (DSM-II: 296.2, 296.34).*

.017. *Admission Criteria Set for Adults-- Diagnosis: Paranoid States (DSM-II: 297).*

.018. *Admission Criteria Set for Adults-- Diagnosis: Psychotic Depressive Reaction (DSM-II: 298.0).*

.019. *Admission Criteria Set for Adults-- Diagnosis: Neuroses (DSM-II: 300).*

.020. *Admission Criteria Set for Adults-- Diagnosis: Personality Disorders, Sexual Deviation (DSM-II: 301, 302).*

.021. *Admission Criteria Set for Adults-- Diagnosis: Alcoholism (DSM-II: 303).*

.022. *Admission Criteria Set for Adults-- Diagnosis: Drug Dependence (DSM-II: 304).*

.023. *Admission Criteria Set for Adults-- Diagnosis: Psycho-physiologic Disorders (DSM-II: 305, 306).*

.024. *Admission Criteria Set for Adults-- Diagnosis: Transient Situational Disturbances: Adjustment Reactions of Adult and Late Life (DSM-II: 307.3, 307.4).*



- .025. *Admission Criteria Set for Adults-- Diagnosis: Non-psychotic Organic Brain Syndrome (DSM-II: 309).*
- .026. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Psychosis Associated With Organic Brain Syndromes of Childhood or Adolescence (DSM-II: 291-294).*
- .027. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Psychosis Not Attributed to Physical Conditions Listed Previously: Childhood Psychoses (Infantile Autism, Symbiotic Psychosis, Childhood Schizophrenia) (DSM-II: 295.8).*
- .028. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Manic-depressive Illness, Manic Type (DSM-II: 296.1, 296.33).*
- .029. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Manic Depressive Illness, Depressed Types (DSM-II: 296.2, 296.34).*
- .030. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Other Psychoses of Childhood or Adolescence (DSM-II: 298).*
- .031. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Psychotic Depressive Reaction of Childhood or Adolescence (DSM-II: 298.0).*
- .032. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Neuroses of Childhood or Adolescence (DSM-II: 300).*
- .033. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Personality Disorders of Childhood or Adolescence (DSM-II: 301).*
- .034. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Alcoholism (DSM-II: 303).*
- .035. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Drug Dependence of Childhood or Adolescence (DSM-II: 304).*
- .036. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Psychophysiological Disorders of Childhood or Adolescence (DSM-II: 305).*
- .037. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Special Symptoms of Childhood or Adolescence (DSM-II: 306).*
- .038. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Transient Situational Disturbances of Childhood or Adolescence (DSM-II: 307.0-307.3).*
- .039. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Behavior Disorders of Childhood and Adolescence (DSM-II: 308).*
- .040. *Admission Criteria Set for Children and Adolescents-- Diagnosis: Non-psychotic Organic Brain Syndrome of Childhood and Adolescence (DSM-II: 309).*
- .041. *Contraindications to Admissions to State Hospitals: Voluntary Applicants, Involuntary Commitments, and Emergency Commitments.*
- .042. *Discharge Policy: Generally.*
- .043. *Discharge Policy: Involuntary Patients.*
- .044. *Discharge Policy: Change of Status from Involuntary Patient to Voluntary Patient.*
- .045. *Discharge Policy: Early Discharge of Inappropriate Admissions.*
- .046. *Discharge: Continued Hospitalization of Voluntary Patient Who Meets the Discharge Criteria.*
- .047. *Transfers: General Principles Governing Transfers.*
- .048. *Transfers: Types of Transfers.*
- .049. *Transfers: From Maximum Security Unit, Rusk State Hospital, to Non-Security Facility (Civily Committed Criminal Defendants).*
- .050. *Transfers: From One State Mental Hospital to Another.*
- .051. *Transfers: Between State Schools and State Hospitals.*
- .052. *Transfers: From State Hospitals to Private Mental Hospitals and Hospitals Operated by the United States.*
- .053. *Transfers: From Department of Corrections or County Jail to State Hospital.*
- .054. *Transfers: From a Non-Security Facility to Maximum Security.*
- .055. *Transfers: Between States.*
- .056. *Furlough: Generally.*
- .057. *Furlough: When the Use of Furlough is Justified.*
- .058. *Furlough: Specific Provisions.*
- .059. *Alternate Residential Facility Placement.*
- .060. *Distribution.*
- .061. *References.*
- .062. *Effective Date.*
- . Issued in Austin, Texas, on May 24, 1976.
- Doc. No. 762815      Kenneth D. Gaver, M. D.  
Commissioner  
Texas Department of Mental  
Health and Mental Retardation
- Effective Date: June 13, 1976
- For further information, please call (512) 454-3761.

## Texas Parks and Wildlife Department

### Fisheries

Regulations for Taking, Possessing,  
Transporting, Exporting, Processing,  
Selling or Offering For Sale, or  
Shipping Endangered Species  
127.30.09

Under the authority of Sections 43.021 through 43.030, Sections 67.001 through 67.005, and Sections 68.001 through 68.021, Texas Parks and Wildlife Code, the Texas Parks and Wildlife Commission has amended Rule 127.30.09.003 to read as follows:

.003. *Closed Seasons.* Except as provided by Rule .002 above, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale, or ship any species of fish or wildlife within this state listed below; and no person shall possess, transport, export, process, sell or offer for sale goods made from the fish and wildlife listed below not born and raised in captivity.

#### Fishes

|                      |                              |
|----------------------|------------------------------|
| San Marcos gambusia  | <i>Gambusia georgei</i>      |
| Amistad gambusia     | <i>Gambusia amistadensis</i> |
| Leon Springs pupfish | <i>Cyprinodon bovinus</i>    |

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762840 Perry V. Spalding  
Administrative Assistant  
Texas Parks and Wildlife  
Department

Effective Date: June 14, 1976

For further information, please call (512) 475-3173.

## Railroad Commission of Texas

### Transportation Division

#### Tariffs and Schedules 051.03.08.006

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas

has amended Rule 051.03.08.006 by the addition of a new Section (G). The remainder of the rule is unchanged. Section (G) reads as follows:

.006. *Weights to be Used in Assessing Freight Charges.*

(G) Weights to be used in assessing freight charges on shipments of milk in bulk under the provisions of Motor Freight Commodity Tariff 30 Series shall be obtained by the use of calibrated instruments, contained in holding tanks or other vessels, which convert the volume of milk in the tank or vessel into its actual weight. Any such tank or vessel so used must have been tested and approved by the Texas Department of Agriculture and certified as accurate.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762800 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Effective Date: June 13, 1976

For further information, please call (512) 475-3208.

#### 051.03.08.007

Under the authority of Section 4(a) of Article 911b, Texas Civil Statutes, the Railroad Commission of Texas has amended Rule 051.03.08.007 by the addition of a new Section (D). The remainder of the rule is unchanged. Section (D) reads as follows:

.007. *Weighing Unnecessary.*

(D) In lieu of weighing as required in Rule 051.03.08.006(B), shipments of airswitches, oil circuit breakers, regulators, degasifiers, mobile transformers, and generators permanently mounted on trailers, when transported singularly or in multiple units to a site for purposes of servicing transformers or power lines, may be shipped on weights provided and marked on each unit by the manufacturer thereof and certified to by the shipper on the waybill or bill of lading. Weights so provided by the shipper shall be subject to check by the carrier or authorized representative of the commission.

Issued in Austin, Texas, on May 24, 1976.

Doc. No. 762799 James H. Cowden, Director  
Transportation Division  
Railroad Commission of Texas

Effective Date: June 13, 1976

For further information, please call (512) 475-3208.



## Texas Savings and Loan Department

### Charter Applications 056.01.00

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have amended Rule 056.01.00.009 to read as follows:

*.009. Time of Decision on Charter Applications.* The commissioner shall render his decision within 60 calendar days after the date the hearing is finally closed, if the hearing was held in accordance with Section .003 above, or after the date on which the hearing is dispensed with, as the case may be. Provided, however, in cases of conflicting applications meeting the requirements of Section 2.14 of the Texas Savings and Loan Act, where one or more subsequent applications are filed before the first application is heard, the commissioner may delay his decision on all such competing applications until 60 days after the last such application has been heard.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762755      W. Sale Lewis  
                                 Commissioner  
                                 Texas Savings and Loan  
                                 Department

Effective Date: June 1, 1976

For further information, please call (512) 475-7991.

### Loans 056.08.00

Under the authority of Article 342-114, Texas Revised Civil Statutes, the Savings and Loan Section of the Finance Commission of Texas and the Savings and Loan Commissioner of Texas have amended Rule 056.08.00.013 to read as set out below. Subsections (c), (d), (e), and (f) have not changed.

*.013. Investment in Deferred Payment Obligations.* Any association may invest its funds in deferred payment obligations, either secured or unsecured, arising out of loans made by others, and in deferred payment obligations arising out of installment sales contracts, provided, in respect to each obligation, that:

(a) the obligation is in the form of a negotiable promissory note and the association is indemnified against any and all claims and defenses the debtor may assert against the association for defects, misrepresentation, breach of warranty, non-delivery, common law fraud, and lack of or failure of consideration;

(b) as to any obligation arising under subtitle one of H.B. 452, Acts of the 60th Legislature, 1967, page 609, Chapter 274, Article 5069, Vernon's Annotated Civil Statutes (the Consumer Credit Code), and any amendments, additions, or deletions thereof, the investing association is indemnified against any and all claims and defenses the debtor may assert against the association for defects, misrepresentation, breach of warranty, non-delivery, common law fraud, and lack of or failure of consideration;

(g) a loss reserve is set up by the association equal to one percent of the amount of the association investment in the obligation.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762756      W. Sale Lewis  
                                 Commissioner  
                                 Texas Savings and Loan  
                                 Department

Effective Date: June 1, 1976

For further information, please call (512) 475-7991.

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 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.

## Employees Retirement System of Texas

### Meeting

A meeting of the Board of Trustees of the Employees Retirement System of Texas will be held on Friday, June 11, 1976, 10 a.m., at 1800 San Jacinto, Austin. The agenda includes the approval of minutes and reports of various retirement and death benefits, investments, actuarial valuation, building expansion, and group insurance.

Additional information may be obtained from Everett L. Anschutz, P.O. Box 12337, Capitol Station, Austin, Texas 78711, telephone (512) 476-6431.

Filed: May 26, 1976, 9:25 a.m.

Doc. No. 762863

### Meeting

A meeting of the Board of Trustees of the Employees Retirement System will be held on Friday, June 18, 1976, 10 a.m., at 1800 San Jacinto, Austin, to hear a progress report on Uniform Group Insurance Program.

Additional information may be obtained from Everett L. Anschutz, P.O. Box 12337, Capitol Station, Austin, Texas 78711, telephone (512) 476-6431.

Filed: May 26, 1976, 9:24 a.m.

Doc. No. 762864

## Finance Commission of Texas

### Meeting

A meeting of the Savings and Loan Section of the Finance Commission of Texas will be held on Wednesday, June 2, 1976, 10 a.m., at 1004 Lavaca Street, Austin. The meeting is being held to elect a chairperson to serve for the ensuing year and to consider such other business as may come before the section.

Additional information may be obtained from W. Sale Lewis, 1004 Lavaca Street, Austin, Texas 78701, telephone (512) 475-7991.

Filed: May 26, 1976, 4:57 p.m.

Doc. No. 762892

## Office of the Governor

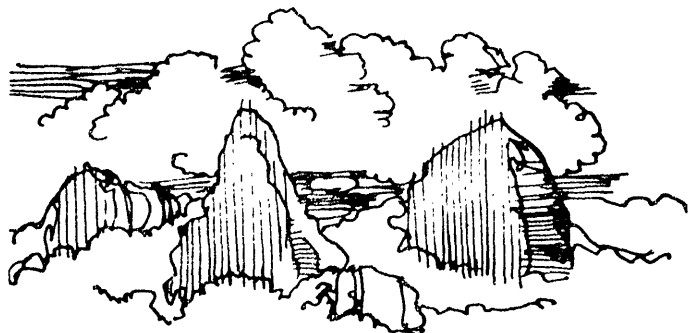
### Meeting

A meeting of the 208 Management Committee of the Governor's Special Advisor on Natural Resources will be held on Tuesday, June 1, 1976, 10 a.m., in Room 513, 17th and Congress, Austin. The agenda includes a discussion of proposed operational procedures of the management committee; a report of staff working committee on non-point source planning work program; a discussion of Forest Service involvement in non-point source planning; and a review of agencies to perform planning in the respective basins.

Additional information may be obtained from Dick Lewis, P.O. Box 13006, Capitol Station, Austin, Texas 78711, telephone (512) 475-7876.

Filed: May 25, 1976, 9:40 a.m.

Doc. No. 762837



## Texas Health Facilities Commission

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Health Facilities Commission held on Thursday, May 27, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The addition was consideration of an application by San Antonio Community Hospital for a certificate of need.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: May 25, 1976, 3:24 p.m.

Doc. No. 762854

### Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, June 3, 1976, 10 a.m. in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin. The commission will consider applications for certificates of need, declaratory rulings, and exemption certificates. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Michael R. Sharp, P.O. Box 15023, Austin, Texas 78752, telephone (512) 475-6940.

Filed: May 26, 1976, 10:39 a.m.

Doc. No. 762865

## Texas Department of Health Resources

### Meeting

A meeting of the Advisory and Review Committee of the Texas Department of Health Resources will be held on Sunday, June 13, 1976, 9:30 a.m., in the second floor conference room, 4902 Grover, Austin. The meeting will consist of opening remarks by the chairman, special guests, utilization review reports, time limit on submittal of dental claims, and the Department of Public Welfare approach to manuals.

Additional information may be obtained from David Gray, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 454-3781, extension 587.

Filed: May 26, 1976, 4:25 p.m.

Doc. No. 762890

## State Board of Insurance

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Insurance to be held on Tuesday, June 1, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to include consideration of a withdrawal of W.C. All States Endorsement and W.C. Classification Phraseology Revision.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 27, 1976, 9:25 a.m.

Doc. No. 762895

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the State Board of Insurance to be held on Wednesday, June 2, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin. The addition includes consideration of malpractice filings by Texas Hospital Insurance Exchange and Professional Mutual Insurance Company.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 27, 1976, 9:26 a.m.

Doc. No. 762896

### Hearing

A hearing by the State Board of Insurance will be held on Wednesday, June 2, 1976, 2 p.m., in Room 408, 1110 San Jacinto, Austin. The board will consider the application of American Bankers Insurance Company of Florida, Miami, Florida, for approval of rate filing on new home warranty contract.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 25, 1976, 9:34 a.m.

Doc. No. 762824

## Emergency Addition to Agenda

An emergency addition has been made to the agenda of a meeting of the State Board of Insurance to be held on Thursday, June 3, 1976, 10 a.m., in Room 408, 1110 San Jacinto, Austin, to include consideration of the vendors single interest policy submission.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 26, 1976, 9:49 a.m.

Doc. No. 762858

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, June 7, 1976, 2 p.m., in Room 343, 1110 San Jacinto, Austin. The board will consider the application of Sentry Life Insurance Company, Stevens Point, Wisconsin, for authority to issue variable annuity contracts in Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:34 a.m.

Doc. No. 762825

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, June 8, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. To be considered is the application of Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, for extension of time to hold real estate.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:34 a.m.

Doc. No. 762826

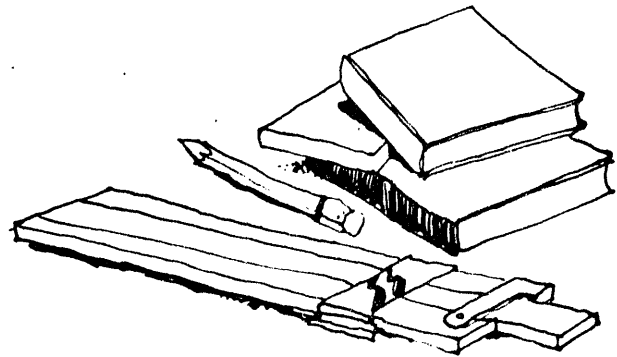
## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, June 9, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. An application of Continental Fidelity Life Insurance Company, San Angelo, for extension of time to hold real estate will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:33 a.m.

Doc. No. 762827



## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, June 10, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. To be considered is the application for approval of merger agreement between Keystone Life Insurance Company of Texas, Carrollton, and Southwest Capitol Life Insurance Company, Fort Worth.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:33 a.m.

Doc. No. 762828

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, June 14, 1976, 2 p.m., in Room 343, 1110 San Jacinto, Austin. The board will consider the application of Farm Mutual Insurance Association, Inc., of Hays, Caldwell, and adjoining counties, Kyle, Texas, for original articles of incorporation under Article 16.21.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:33 a.m.

Doc. No. 762829

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, June 16, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. The board will consider the application of United National Life Insurance Company of America, Springfield, Illinois, for admission to Texas to do business under assumed name of United Life Insurance Company of Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:33 a.m.

Doc. No. 762830

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, June 17, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. The application of FTS Life Insurance Company, Dallas, for initial certificate of authority will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:32 a.m.

Doc. No. 762831

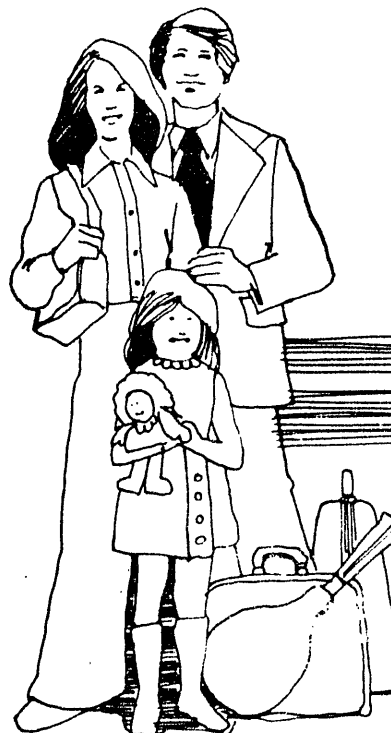
## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Friday, June 18, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. An application of American Security Life Insurance Company, San Antonio, for extension of time to hold real estate will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:32 a.m.

Doc. No. 762832



## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Monday, June 21, 1976, 2 p.m., in Room 343, 1110 San Jacinto, Austin. An application of Family Security Insurance Company of America, Fort Worth, for extension of time to hold real estate will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:32 a.m.

Doc. No. 762833

## Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, June 23, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. The board will consider the application of Dental Service Plan Insurance Company, Chicago, Illinois, for admission to Texas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:31 a.m.

Doc. No. 762834

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, June 24, 1976, 10 a.m., in Room 343, 1110 San Jacinto, Austin. An application of Fidelity Union Life Insurance Company, Dallas, for extension of time to hold real estate will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:31 a.m.

Doc. No. 762835

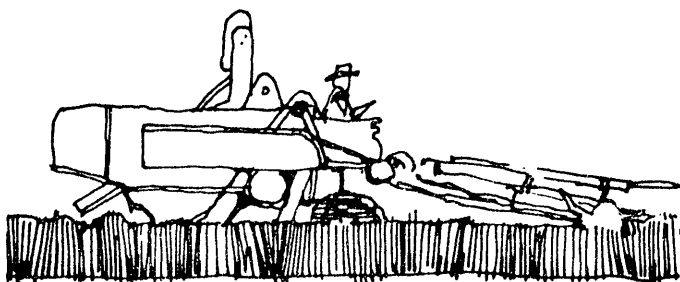
### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, June 29, 1976, 2 p.m., in Room 343, 1110 San Jacinto, Austin. The application of Great Commonwealth Life Insurance Company, Dallas, for extension of time to hold real estate will be considered.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-4230.

Filed: May 25, 1976, 9:31 a.m.

Doc. No. 762836



## Texas Department of Labor and Standards

### Hearing

A hearing by the Boxing and Wrestling Division of the Texas Department of Labor and Standards will be held on Wednesday, June 9, 1976, 10 a.m., in Room 317, Sam Houston Building, Austin. The division will consider possible denial of a license to box for Richard Roy Ramos of Houston.

Additional information may be obtained from Robert Busse, P.O. Box 12157, Capitol Station, Austin, Texas 78711, telephone (512) 475-5691.

Filed: May 26, 1976, 9:29 a.m.

Doc. No. 762861

### Hearing

A hearing by the Auctioneer Division of the Texas Department of Labor and Standards will be held on Thursday, June 10, 1976, 10 a.m., on the third floor of the Sam Houston Building, Austin, to consider possible suspension or revocation of the state auctioneer license of Raymon Mannschreck.

Additional information may be obtained from Clarence Nash, P.O. Box 12157, Capitol Station, Austin, Texas 78711, telephone (512) 475-4220.

Filed: May 26, 1976, 9:29 a.m.

Doc. No. 762862

## State Board of Landscape Architects

### Emergency Addition to Agenda

An emergency addition was made to the agenda of the meeting of the Texas State Board of Landscape Architects held Wednesday, May 26, 1976, 9 a.m., in the Driskill Hotel, Austin.

The addition was made to include consideration of the policy on amending the landscape irrigator examination in order for the Houston Plumbing Review Board to recognize the licensed landscape irrigator in making connection to the potable water supply.

Additional information may be obtained from Kathryn Mitchell, 320 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-3252.

Filed: May 25, 1976, 4:49 p.m.

Doc. No. 762856



## Texas Library and Historical Commission

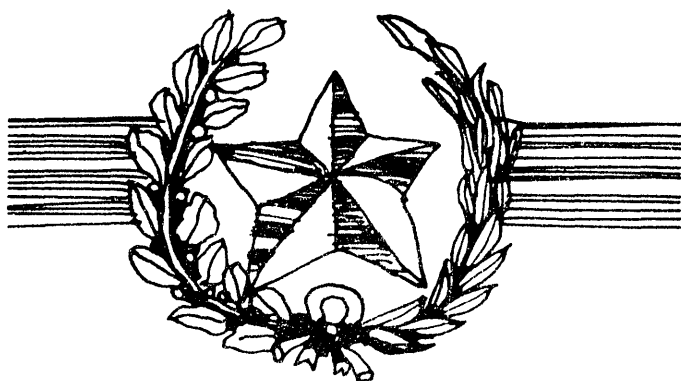
### Meeting

A meeting of the Texas Library and Historical Commission will be held on Friday, June 4, 1976, 10 a.m., in Room 205, Lorenzo De Zavala State Archives and Library Building, Austin. The commission will approve minutes of the February 20, 1976, meeting; discuss proposed library budget for 1978-79 biennium; review guidelines for 1977 system grants; report on Sam Houston Regional Library Research Center; and discuss other new business.

Additional information may be obtained from Jimmy Hausenfluke, P.O. Box 12927, Capitol Station, Austin, Texas 78711, telephone (512) 475-6651.

Filed: May 25, 1976, 3:05 p.m.

Doc. No. 762853



## State Board of Morticians

### Meeting/Hearing

A meeting and a hearing of the State Board of Morticians will be held on Wednesday and Thursday, June 9 and 10, 1976, 9 a.m., at 1513 South Interstate 35, Austin. Five people have been asked to appear for the hearing. The meeting will consider applicants for the position of field representative for south Texas. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from James W. McCammon, 1513 South Interstate 35, Austin, Texas 78741, telephone (512) 442-6721.

Filed: May 25, 1976, 3:36 p.m.

Doc. No. 762855

## Texas Parks and Wildlife Department

### Hearing

A hearing by the Parks Division of the Texas Parks and Wildlife Department will be held on Thursday, July 1, 1976, 2 p.m., in Room 100, John H. Reagan Building, Austin. The hearing concerns the development concept plan for the Sam Bell Maxey House State Historic Structure, Lamar County. Proposed development at the site consists of the preservation of the main house, adaptation of the out-buildings for interpretive and operational uses, installation of utility systems, and landscaping.

Additional information may be obtained from Dr. Harold D. Toy, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-2666.

Filed: May 26, 1976, 2:03 p.m.

Doc. No. 762889

## Public Utility Commission of Texas

### Hearing

A hearing of the Public Utility Commission of Texas will be held on Thursday, July 8, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider applications for certificates of convenience and necessity by electric utilities covering the counties of Bee, Calhoun, DeWitt, Goliad, Gonzales, Jackson, Karnes, Matagorda, Refugio, Victoria, Wharton, and Wilson.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 27, 1976, 9:25 a.m.

Doc. No. 762894

### Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, July 19, 1976, 9 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin.

The board will consider applications of telephone companies concerning the counties of Childress, Collingsworth, Cottle, Dickens, Donley, Foard, Gray, Hall, Hansford, Hardeman, Hemphill, Hutchinson, Kent, King, Knox, Lipscomb, Motley, Ochiltree, Roberts, Stonewall, Wheeler, Wichita, and Wilbarger.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: May 26, 1976, 12:50 p.m.

Doc. No. 762888



## State Department of Public Welfare

### Meeting

A meeting of the State Board of Public Welfare will be held on Thursday, June 3, 1976, 9:30 a.m., in Room 118, Stephen F. Austin Building, Austin. The agenda includes approval of proposed Comprehensive Annual Services Program Plan (Title XX) for publication; submission of 10 sets of Child Care Licensing Standards for final approval; approval of interim child care licensing policies and procedures; and approval of policy for restoring lot benefits to food stamp recipients, as required by the U.S. Department of Agriculture. Also on the agenda are acceptance of continuing education grant from Eli Lilly and Company; approval of policies previously published in the *Texas Register*; and an executive session to discuss pending litigations.

Additional information may be obtained from William Woods, John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6297.

Filed: May 26, 1976, 1 p.m.

Doc. No. 762869

## Railroad Commission of Texas

### Emergency Meeting

An emergency meeting of the Gas Utilities Division of the Railroad Commission of Texas was held on Tuesday, May 25, 1976, after 1 p.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider Pioneer Natural Gas Company's request for a hearing on a gas cost increase.

Additional information may be obtained from Frank P. Youngblood, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: May 25, 1976, 11:45 a.m.

Doc. No. 762843

### Emergency Meeting

An emergency meeting of the Gas Utilities Division of the Railroad Commission of Texas was held on Tuesday, May 25, 1976, after 1 p.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to discuss two appeals from Lone Star Gas Company on jurisdiction.

Additional information may be obtained from John W. Camp, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: May 25, 1976, 11:46 a.m.

Doc. No. 762844

## Meeting

A meeting of the Transportation Division of the Railroad Commission of Texas will be held on Tuesday, June 1, 1976, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider uncontested public convenience and necessity applications, an uncontested railroad application, uncontested rate applications, name change applications, an operating report reinstatement, insurance reinstatements, fee reinstatements, requested cancellations, I.C.C. authority, exempt commodity authority, insurance cancellations, and miscellaneous items. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed: May 24, 1976, 2:19 p.m.

Doc. No. 762796

## Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Transportation Division of the Railroad Commission of Texas to be held on Tuesday, June 1, 1976, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider two uncontested public convenience and necessity applications and one uncontested rate application. These additions are necessary to correct a certificate issued pursuant to commission approval and to issue a common carrier rate increase to offset increased labor expenses.

Additional information may be obtained from Meiling Newman, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3207.

Filed: May 27, 1976, 9:53 a.m.

Doc. No. 762898

## Meeting

A meeting of the Oil and Gas Division of the Railroad Commission of Texas will be held on Monday, June 7, 1976, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, to consider 30 applications for hearings and 74 applications for administrative action. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from A. H. Barbeck, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-3003.

Filed: May 25, 1976, 11:47 a.m.

Doc. No. 762845

## Meeting

A meeting of the Gas Utilities Division of the Railroad Commission of Texas will be held on Tuesday, June 8, 1976, at the E. O. Thompson Building, 10th and Colorado, Austin, to discuss three applications. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from John W. Camp, P.O. Drawer 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: May 25, 1976, 11:49 a.m.

Doc. No. 762846

## Hearing

A hearing by the Oil and Gas Division of the Railroad Commission of Texas will be held on Thursday, June 17, 1976, 10 a.m., at the Stephen F. Austin Hotel, Austin. The division will consider all oil and gas fields in the State of Texas: the conservation and prevention of waste of crude petroleum oil and natural gas; the production, storage, transportation, refining, reclaiming, treating, marketing, or processing of crude oil and/or natural gas; and the purchase, sale, transportation, and handling of crude oil and natural gas and all products, by-products, and derivatives in the state.

Additional information may be obtained from Bob R. Harris, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-4519.

Filed: May 25, 1976, 11:49 a.m.

Doc. No. 762847

## Hearing

A hearing by the Gas Utilities Division of the Railroad Commission of Texas will be held on Friday, June 18, 1976, 9 a.m., in Room 812, E. O. Thompson Building, Austin, to consider the application of Suntide Refining Company for an exception to Gas Utilities Docket 600.

Additional information may be obtained from Frank P. Youngblood, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: May 25, 1976, 11:48 a.m.

Doc. No. 762848



## Texas Real Estate Commission

### Meeting

A meeting of the Texas Real Estate Commission will be held on Wednesday, June 9, 1976, 4 p.m., at Mezzanine C, St. Anthony Hotel, San Antonio, to consider staff reports; policy changes; education and school matters; and other matters pertaining to the administration and enforcement of Article 6573a, Vernon's Annotated Civil Statutes.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Capitol Station, Austin, Texas 78711, telephone (512) 475-4250.

Filed: May 24, 1976, 4:25 p.m.

Doc. No. 762821

## Texas Water Quality Board

### Emergency Meeting

An emergency meeting of the Texas Water Quality Board was held on Wednesday, May 26, 1976, 2 p.m., in Room 300, State Capitol, Austin. Members of the board met with a subcommittee of the Joint Advisory Committee on Government Operations to discuss operations and programs of the board and matters relating to the mission of the subcommittee.

Additional information may be obtained from Hugh C. Yantis, Jr., P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-2651.

Filed: May 26, 1976, 10:49 a.m.

Doc. No. 762867

### Emergency Addition to Agenda

An emergency addition was made to the agenda of a meeting of the Texas Water Quality Board held on Thursday and Friday, May 27 and 28, 1976, 9 a.m. each day, in Room 118, Stephen F. Austin Building, Austin. The addition was the consideration of amending a construction grant for the City of Grand Saline, WPC-Tex-1195.

Additional information may be obtained from Michael McKinney, 1700 North Congress, Austin, Texas 78701, telephone (512) 475-6497.

Filed: May 26, 1976, 10:49 a.m.

Doc. No. 762868

## Texas Water Rights Commission

### Hearing

A hearing of the Texas Water Rights Commission will be held on Tuesday, July 6, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to rehear matters concerning the final determination of water right claims of the Concho River Segment of the Colorado River Basin. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 24, 1976, 3:17 p.m.

Doc. No. 762806

## Hearing

A hearing of the Texas Water Rights Commission will be held on Tuesday, July 27, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin. The commission will consider cancelling Certified Filing 163, held by the City of Lampasas. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 26, 1976, 11:08 a.m.

Doc. No. 762870

## Quasi-State Agencies

### Meetings Filed May 25, 1976

*The Coastal Bend Council of Governments*, Executive Committee, met at the Petroleum Club, Corpus Christi, on May 28, 1976, at noon. Further information may be obtained from Robert Weaver, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

Doc. No. 762823

### Meetings Filed May 26, 1976

*The Amarillo MH/MR Regional Center*, Board of Trustees, met in the Auditorium, Psychiatric Pavilion 1-L, 7201 Evans Street, Amarillo, on May 27, 1976, at 12:30 p.m. Further information may be obtained from Clark Wooldridge, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

*The Heart of Texas Council of Governments*, Executive Committee, met at 110 South 12th, Waco, on May 27, 1976, at noon. Further information may be obtained from Hugh W. Davis, 110 South 12th, Waco, Texas 76701, telephone (817) 756-6631.

*The Nueces River Authority* met at the City Water Board, 100 East Market, San Antonio, on May 27, 1976, at 11 a.m. Further information may be obtained from John W. White, P.O. Box 349, Uvalde, Texas 78801, telephone (512) 278-6810.

*The Coastal Bend Council of Governments*, Drug Abuse Advisory Committee, will meet at the YWCA, 401 North Carancahua, Corpus Christi, on June 2, 1976, at noon. Further information may be obtained from Katie Smith, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

*The Panhandle Regional Planning Commission*, Board of Directors, met at the Chamber of Commerce Conference Room, Amarillo Building, Amarillo, on May 27, 1976, at 1:30 p.m. Further information may be obtained from George Loudder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

*The Coastal Bend Council of Governments*, met at the Nueces County Courthouse Central Jury Room, Corpus Christi, on May 28, 1976, at 2 p.m. Further information may be obtained from Bob Weaver, P.O. Box 6609, Corpus Christi, Texas 78411, telephone (512) 854-3081.

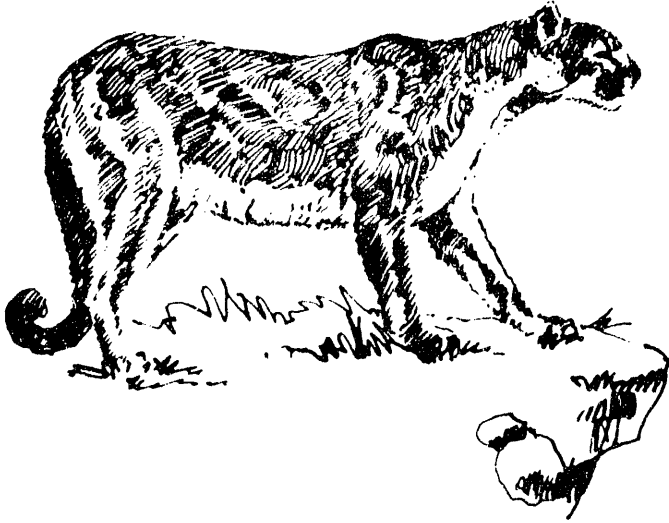
Doc. No. 762887

### Meetings Filed May 27, 1976

*The Panhandle Ground Water Conservation District No. 3*, Board of Directors, will meet at the District Office, White Deer, on June 2, 1976, at 8 p.m. Further information may be obtained from Felix W. Ryals, P.O. Box 637, White Deer, Texas 79097, telephone (806) 883-2501.

*The Houston-Galveston Area Council*, Projects Review Committee, will meet at 3701 West Alabama, Houston, on June 1, 1976, at 9:30 a.m. Further information may be obtained from Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

Doc. No. 762902



## Admiral Nimitz Center General Information

The Admiral Nimitz Center is a state museum governed by a commission of nine members appointed by the governor. It has a five-member staff. Affiliated with the Admiral Nimitz Center is the Admiral Nimitz Foundation, a non-profit organization existing solely to aid the Admiral Nimitz Center.

The Nimitz Center is housed in the old Nimitz Hotel (corner of Washington and Main Streets, Fredericksburg), built in the early 1850's by Charles Nimitz, Chester Nimitz's grandfather, and remodeled in 1926. The future plans for the museum are to restore the old hotel's original steamship facade. Directly behind the hotel is the center's newest addition, the Japanese Garden of Peace, a gift from the people of Japan to America. The garden symbolizes an everlasting friendship between the two nations. Adjacent to the hotel is the Nauwald Building which is in the process of being restored and which at present houses a small toy and mercantile shop. The Hall of the Admirals, still in its planning stages, will be located behind the Nauwald Building. The Nimitz Nature Trail will be open to visitors in the near future. The nature trail will meander along Town Creek for two blocks along Austin Street and will lead people to the corner of Austin and Elk Streets, where the Rull House (old pioneer home) and Pacific History Walk are located.

Filed: May 25, 1976, 11:36 a.m.  
Doc. No. 762849

## Texas Health Facilities Commission

### Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of May 18, 1976, through May 24, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th 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. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in THFC-ERR 8, Section A(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and THFC-ERR 8 and 11.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling; AO indicates administrative order.

Ben Taub General Hospital, Houston  
AH76-0521-001  
EC-- Construction of gift shop in first-floor lobby

Cartwheel Lodge of San Antonio, San Antonio  
AN76-0524-002

EC-- Reclassification of 120 ICF-III beds to ICF-IV level of care

Spohn Hospital, Corpus Christi  
AH76-0419-001

EC/DR-- Purchase of existing Medical Office Plaza Building with adjacent parking lots and service buildings

Texas Home Health Inc., Silsbee  
AS76-0511-001

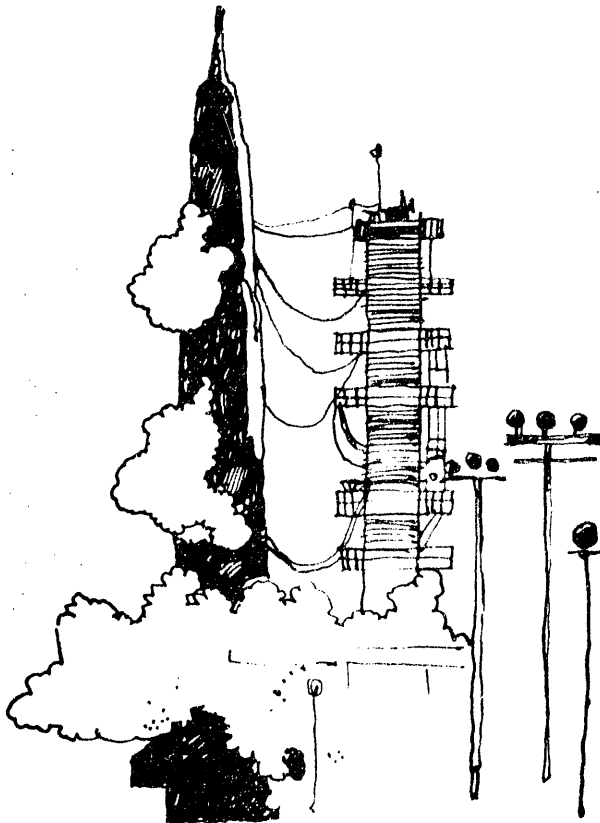
EC/DR-- Contract with Texas Department of Public Welfare (DPW) to provide health-related family care services currently provided by DPW

Issued in Austin, Texas, on May 25, 1976.

Doc. No. 762857      Michael R. Sharp  
                                 General Counsel  
                                 Texas Health Facilities  
                                 Commission

Filed: May 26, 1976, 8:12 a.m.

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



## Hearings

The following hearings by the Environmental Engineering Division of the Texas Department of Health Resources will be held to consider applications to locate solid waste disposal sites. Listed are the hearing dates and times, the location of the hearings, and the applicants and site locations.

### *Tuesday, June 15, 1976*

9 a.m.-- Commissioner's Courtroom, County Courthouse, Edinburg; the City of Pharr, applying for a crush-demolition site and a transfer station near Pharr (dual applications).

9:30 a.m.-- same location as above; Union Y Dignidad, Inc., applying for a solid waste disposal site near Edinburg.

10 a.m.-- same location as above; the City of San Benito, applying for a solid waste disposal site near San Benito.

### *Thursday, June 17, 1976*

1:30 p.m.-- Bellville City Hall, 30 South Holland, Bellville; City of Bellville, applying for solid waste disposal sites near Bellville (dual applications).

### *Tuesday, June 22, 1976*

10 a.m.-- Cottonbelt Building, 1517 West Front Street, Tyler; the City of Brownsboro, applying for a solid waste disposal site near Brownsboro.

11 a.m.-- same location as above; the City of Pittsburg, applying for a solid waste disposal site near Pittsburg.

### *Wednesday, June 23, 1976*

9 a.m.-- Commissioner's Courtroom, Grayson County Courthouse, Sherman; Cities of Tom Bean, Bells, and Whitewright, applying for a solid waste disposal site near Tom Bean (the site will serve all three cities).

### *Thursday, June 24, 1976*

9 a.m.-- County Courtroom, Jack County Courthouse, Jacksboro; the City of Alvord, applying for a solid waste disposal site near Alvord.

9 a.m.-- same location as above; the City of Jacksboro, applying for a solid waste disposal site near Jacksboro.

Filed: May 26, 1976, 4:24 p.m.

Doc. No. 762891

## Certificate of Need Hearings

The following hearings will be conducted in the offices of the Texas Health Facilities Commission, Suite 450, One Highland Center, Austin.

**Physicians and Surgeons General Hospital**, 4626 Weber Road, Corpus Christi (AH76-0308-018), is scheduled to appear at a hearing at 1:30 p.m. on June 1, 1976, to petition the commission for a certificate of need to construct a professional building for outpatient, diagnostic, and physician office purposes, contiguous to hospital.

**Home Help Care, Incorporated**, 11613 January Drive, Austin (AS76-0318-001), is scheduled to appear at a hearing at 9 a.m. on June 2, 1976, to petition the commission for a certificate of need to establish Home Help Care, Incorporated, a home health agency in Midland, Midland County, to serve the Permian Basin.

**Denton Memorial Foundation**, 300 Carroll Boulevard, Denton (AS76-0126-007), originally scheduled at 1:30 p.m. on April 26, 1976, is rescheduled to appear at a hearing at 9 a.m. on June 4, 1976, to petition the commission for a certificate of need to establish Community Assistance and Health Services of North Texas, a home health agency designed to serve an 11-county area.

**The Doctor's Hospital**, 3150 Reid Drive, Corpus Christi (AH76-0312-009), is scheduled to appear at a hearing at 10 a.m. on June 7, 1976, to petition the commission for a certificate of need to relocate present facility and add 50 beds; nuclear medicine and day surgery center to be expanded with equipment leased for angiography, tomography, radiography, and B-P monitoring procedures.

**St. Joseph Hospital**, 1919 LaBranch, Houston (AH76-0401-007), is scheduled to appear at hearing at 9:30 a.m. on June 7, 1976, to petition the commission for a certificate of need to replace existing radiographic equipment as a part of the special radiological procedure room.

**Day Treatment Program of Deep East Texas Regional MH/MR Services**, 303 Angelina Building, Lufkin (AA76-0310-011), is scheduled to appear at a hearing at 2 p.m. on June 7, 1976, to petition the commission for a certificate of need to construct a day treatment program-administration complex for mentally disabled.

**Nortex Home Health Services, Inc.**, 1310 9th Street, Wichita Falls (AS76-0224-002), originally scheduled at 2 p.m. on May 17, 1976, is rescheduled to appear at a hearing at 10 a.m. on June 14, 1976, to petition the commission for a certificate of need to establish a home health agency in Wichita Falls to serve the counties in the North Texas Planning Region plus the counties of Knox, Haskell, and Throckmorton.

**Twilight Home Corporation**, 3001 West 4th Avenue, Corsicana (AN76-0301-007), is scheduled to appear at a hearing at 9 a.m. on June 15, 1976, to petition the commission for a certificate of need to construct the follow-

ing additions to Twilight Home, a nursing home in Corsicana: offices, chapel/auditorium, inservice training and activity areas, medical director's office and examination room, family room, office for social worker, and storage area.

**The Central Plains MH/MR Center Board of Trustees**, 2700 Yonkers, Plainview (AA76-0311-008), is scheduled to appear at a hearing at 9:30 a.m. on June 15, 1976, to petition the commission for a certificate of need to purchase, renovate, and furnish a preexisting commercial office building to house nonmedical-based mental health services in Plainview. All services are preexisting and application represents action to relieve over-crowding. Services to be placed at the proposed facility are outpatient services (general MH and alcoholism programs) and administrative activities.

**Sunset Care-Center, Inc.**, 407 Bonita Street, Jacksonville (AN76-0409-009), is scheduled to appear at a hearing at 9 a.m. on June 16, 1976, to petition the commission for a certificate of need to remodel and enlarge the existing Sunset Care-Center, Inc., building in Jacksonville to include the replacement of floors and roofing, the enlargement of the kitchen, dining, and recreational facilities, and the addition of 67 beds (60 skilled and seven intermediate care III).

**Bay Villa Nursing Home**, 1800 13th Street, Bay City (AN76-0402-008), is scheduled to appear at a hearing at 9:30 a.m. on June 16, 1976, to petition the commission for a certificate of need to add 48 nursing home (ICF-III) beds to existing facility.

**Cancer Therapy and Research Foundation of South Texas**, 4450 Medical Drive, San Antonio (AS76-0330-004), is scheduled to appear at a hearing at 9 a.m. on June 18, 1976, to petition the commission for a certificate of need to expand cancer treatment services by offering chemotherapy and immunotherapy services in existing space at the center.

**Val Verde Memorial Hospital**, 801 Bedell Avenue, Del Rio (AH76-0405-020), is scheduled to appear at a hearing at 9 a.m. on June 18, 1976, to petition the commission for a certificate of need to establish and operate a two-unit hemodialysis program within the hospital.

**The Brazos Valley MH/MR Center of Bryan** (AS76-0405-020), is scheduled to appear at a hearing at 10 a.m. on June 21, 1976, to petition the commission for a certificate of need to establish the Chemical Abuse Detoxification and Treatment Center, 810 West Main, Brenham, to serve as a detoxification and residential treatment center for chemical abuses.

**Allen McDonald Foundation** doing business as **The Regis**, 400 Austin Avenue, Waco (AN76-0406-014), is scheduled to appear at a hearing at 9 a.m. on June 22, 1976, to petition the commission for a certificate of



need to add 60 beds to the facility currently approved for 119-bed construction under AN75-1007-019.

**Eastwood Hospital**, 10301 Gateway West, El Paso (AH76-0309-005), is scheduled to appear at a hearing at 9:30 a.m. on June 22, 1976, to petition the commission for a certificate of need to install a computerized axial tomography scanner (whole body) and to modify cardiovascular/neurological surgery room and complete renal dialysis facility.

**Terry Haven Nursing Home, Inc.**, P.O. Box 519, Mt. Vernon (AN76-0316-009), originally scheduled at 1:30 p.m. on May 26, 1976, is rescheduled to appear at a hearing at 9 a.m. on June 23, 1976, to petition the commission for a certificate of need to construct a 16-intermediate-care addition to the present 65-bed facility.

**Schlesinger Home Health Agency**, 2503 Lake Road, Huntsville (AS76-0406-012), is scheduled to appear at a hearing at 9:30 a.m. on June 28, 1976, to petition the commission for a certificate of need to provide new speech therapy service to homebound patients in area covered by Huntsville office.

**A. W. Schlesinger Home Health Agency**, 2600 Cedar Avenue, Laredo (AS76-0406-013), is scheduled to appear at a hearing at 9:30 a.m. on June 28, 1976, to petition the commission for a certificate of need to extend home health services into Webb, Jim Hogg, Zapata, and Starr Counties through branch office establishment in Laredo from the Corpus Christi subunit.

**M. D. Anderson Hospital and Tumor Institute**, 6723 Bertner Drive, Houston (AH76-0329-001), is scheduled to appear at a hearing at 10 a.m. on June 28, 1976, to petition the commission for a certificate of need to acquire a computerized axial tomography whole body scanner for the Department of Diagnostic Radiology.

**M. D. Anderson Hospital and Tumor Institute**, 6723 Bertner Drive, Houston (AH76-0329-002), is scheduled to appear at a hearing at 10 a.m. on June 28, 1976, to petition the commission for a certificate of need to acquire a computerized axial tomography brain scanner for the Department of Diagnostic Radiology.

**North Texas Conference of the United Methodist Church**, 3300 Mockingbird Lane, Dallas (AH76-0405-018), is scheduled to appear at a hearing at 1:30 p.m. on June 28, 1976, to petition the commission for a certificate of need to replace the existing angiographic equipment in the Radiology Department of Methodist Hospitals of Dallas located at 301 West Colorado in Dallas.

**Northwest Texas Conference of the United Methodist Church**, 1415 Avenue M, Lubbock (AH76-0408-001), is scheduled to appear at a hearing at 9 a.m. on June 29, 1976, to petition the commission for a certificate of need to acquire a scintillation isotope camera to replace

the present pho-gamma camera at Methodist Hospital in Lubbock.

**Green Acres Convalescent Center, Inc.**, 93 Isaacs Road, Humble (AN76-0422-005), is scheduled to appear at a hearing at 9:30 a.m. on June 29, 1976, to petition the commission for a certificate of need to add 40 ICF III nursing beds to existing home licensed for 102 ICF III and to expand kitchen and dining area by 1,504 square feet.

**Cove Nursing Home**, Copperas Cove (Agent Address: Suite 500, 7701 North Lamar Boulevard, Austin) (AN76-0303-009), is scheduled to appear at a hearing at 9 a.m. on June 30, 1976, (this hearing was previously scheduled May 25, 1976, and rescheduled to June 21, 1976), to petition the commission for a certificate of need to construct a 120-bed nursing facility with skilled nursing ICF III and ICF II services.

Issued in Austin, Texas, on May 26, 1976.

Doc. No. 762866      Michael R. Sharp  
General Counsel  
Texas Health Facilities  
Commission

Filed: May 26, 1976. 10:39 a.m.

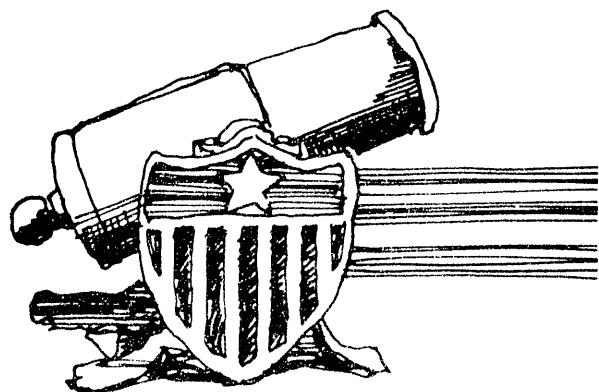
For further information please call (512) 475-6940.



## Joint Advisory Committee on Government Operations

### Correction of Error

An incorrect telephone number for the person to contact concerning additional information on a subcommittee meeting of the Joint Advisory Committee on Government Operations was published in the May 25, 1976, issue of the *Texas Register* (Volume 1, Number 41). Persons wishing information about the meeting of the Economic Development and Law Enforcement Subcommittee, set for Friday, June 4, 1976, 9 a.m., in the Sergeant's Committee Room, State Capitol, may telephone Mary Holley at (512) 475-3106.



A hearing on the application is scheduled for 9:30 a.m., on Tuesday, June 22, 1976, in the offices of the Texas Savings and Loan Department, 1004 Lavaca, Austin, pursuant to authority and jurisdiction granted by the Texas Savings and Loan Act, Article 852a, Texas Revised Civil Statutes Annotated.

The nature and purpose of the hearing is to accumulate a record of pertinent information and data in support of and in opposition to the application, from which record the commissioner shall determine whether to grant or deny the charter application.

The particular sections of Article 852a involved are 2.01-2.09 and 11.11. The particular rules involved are 054.01.00.001-.013. Such rules are on file in the Office of the Secretary of State, Texas Register Division, or may be seen at the department's offices, 1004 Lavaca, Austin.

The applicants for charter assert that: (1) the prerequisites, where applicable, set forth in Sections 2.02-2.06 of the Texas Savings and Loan Act, have been met; (2) the character, responsibility, and general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted and that the proposed association will have qualified fulltime management; (3) there is a public need for the proposed association, and the volume of business in the community in which the proposed association will conduct its business is such as to indicate a profitable operation; and (4) the operation of the proposed association will not unduly harm any existing association.

Anyone desiring to oppose this application may do so by appearing at the scheduled hearing; however, it is requested that if there are plans to oppose the application, the commissioner be notified at P.O. Box 1089, Austin, Texas 78767.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762793      W. Sale Lewis  
Commissioner  
Texas Savings and Loan  
Department

Filed: May 24, 1976, 12:48 p.m.

For further information, please call (512) 475-7991.

## Texas Savings and Loan Department

### Notice of Application and Hearing

Application for a charter for a savings and loan association has been made to the Savings and Loan Commissioner of Texas, such charter to be for *Frontier Savings and Loan Association*, with principal office to be located in Brownsville, Cameron County.

### Notice of Hearings

#### Applications for Branch Offices

The following associations have made applications to the Savings and Loan Commissioner of Texas for the approval of branch offices.

The hearings are pursuant to authority and jurisdiction granted by Article 852a, Texas Revised Civil Statutes Annotated. The particular sections of the statute involved are 2.13 and 11.11. The particular rules involved are 056.01.00.003-.006, 056.01.00.011-.013, and .056.02.00.003 and .004.

The applicant associations assert that operation of the proposed branch offices will not unduly harm any other association operating in the vicinity; that there is public need for the proposed branch offices; that the volume of business in the communities in which the proposed branch offices will operate is such as to yield a profit to the associations in a reasonable time; and certain other assertions per Rules 056.02.00.003 and .004.

Anyone desiring to protest an application may do so by writing the commissioner at P.O. Box 1089, Austin, Texas 78767, and so indicating, or by appearing at 9:30 a.m. on June 11, 1976, at 1004 Lavaca, Austin, and voicing such protest when the application is called.

If no protest is registered prior to or at the time the application is called, the hearing may be dispersed with; if a protest is registered and existing when called, hearing on the application will be continued to a later date for the purpose of receiving testimony and evidence from the parties and to accumulate a record of pertinent information and data in support of the application and in opposition to the application.

**Sar Jacinto Savings Association**, Houston, Harris County, is applying for approval of a branch office at 5815 Kirby Drive, Houston.

**Home Savings Association**, Houston, Harris County, is applying for approval of a branch office at Block 90, South Side Buffalo Bayou, Houston.

**Heights Savings Association**, Houston, Harris County, is applying for approval of a branch office at Westheimer and Revere, Houston.

**Beaumont Savings and Loan Association**, Beaumont, Jefferson County, is applying for approval of a branch office at the northwest corner of I.H. 10 and 16th Street, Orange, Orange County.

**Central Plains Savings Association**, Tulia, Swisher County, is applying for approval of a branch office at Hale Center, Hale County.

**University Savings Association**, Houston, Harris County, is applying for approval of a branch office at I-10 at Federal Road, Houston.

**Laredo Savings and Loan Association**, Laredo, Webb County, is applying for approval of a branch office at H Street, Zapata, Zapata County.

**Fidelity Savings and Loan Association**, Port Arthur, Jefferson County, is applying for approval of a branch office at the intersection of Gulfway Drive and LeBlanc Road, Winnie, Chambers County.

**Colonial Savings Association**, Houston, Harris County, is applying for approval of a branch office at 616 Savoy Drive, Houston.

**Franklin Savings Association**, Austin, Travis County, is applying for approval of a branch office at the intersection of U.S. Highways 81 and 79, Round Rock, Williamson County.

Issued in Austin, Texas, on May 21, 1976.

Doc. No. 762794      W. Sale Lewis  
Commissioner  
Texas Savings and Loan  
Department

Filed: May 24, 1976, 12:45 p.m.

For further information please call (512) 475-7991.

## Texas House of Representatives

Printed below are the members of the Texas House of Representatives, 64th Legislature, their cities of residence, their office numbers in the State Capitol, and their telephone numbers at their Austin offices.

| Member                 | City           | Room      | Telephone |
|------------------------|----------------|-----------|-----------|
| Herman Adams, Jr.      | Silsbee        | 400-E     | 475-4213  |
| Fred Angich            | Dallas         | 411-C     | 475-2636  |
| Joe Allen              | Baytown        | G-55-C    | 475-3546  |
| Dave Allred            | Wichita Falls  | 141-B     | 475-3941  |
| Hamp Atkinson          | New Boston     | 425       | 475-5887  |
| Kay Bailey             | Houston        | 411-B     | 475-4221  |
| Andrew Z. Baker        | Galveston      | 148-B     | 475-5749  |
| Gonzalo Barrientos     | Austin         | 154-F     | 475-3072  |
| John Bigham            | Temple         | 148-C     | 475-5795  |
| Ronald Bird            | San Antonio    | 313-D     | 475-5809  |
| Roy Blake              | Nacogdoches    | 351-B     | 475-3619  |
| W. J. Blythe, Jr.      | Houston        | 313-E     | 475-2401  |
| Bennie Bock II         | New Braunfels  | G-73-A    | 475-5987  |
| Latham Boone III       | Navasota       | 427-A     | 475-4517  |
| Albert Brown           | San Antonio    | 411-A     | 475-4673  |
| John Bryant            | Dallas         | 315-C     | 475-5873  |
| Ben Bynum              | Amarillo       | M-109-A-1 | 475-3626  |
| Neil Caldwell          | Alvin          | 102-A-1   | 475-5773  |
| Terry Canales          | Alice          | 106-A     | 475-6197  |
| Bill Caraway           | Houston        | G-73-B-1  | 475-3202  |
| Tom Cartlidge          | Henrietta      | 151-B     | 475-5764  |
| Donald Cartwright      | San Antonio    | G-66-D-2  | 475-3700  |
| Phil Cates             | Shamrock       | 145-B     | 475-3883  |
| Melchor Chavez         | Harlingen      | 154-G     | 475-2535  |
| Bill Clark             | Tyler          | 354-B     | 475-3640  |
| Jim Clark              | Pasadena       | 143-C     | 475-3103  |
| Bill Clayton (SPEAKER) | Springlake     | 241       | 475-3311  |
| G. R. Close            | Perryton       | 352-C     | 475-3127  |
| Ronald Coleman         | El Paso        | 316-C     | 475-6279  |
| W. G. Coody            | Weatherford    | G-55-B-2  | 475-5635  |
| Tom Craddick           | Midland        | 109-C     | 475-4305  |
| Robert E. Davis        | Irving         | G-69-A    | 475-4461  |
| Wilhelmina Delco       | Austin         | 413-C     | 475-5973  |
| Woody Denson           | Houston        | 403-A     | 475-5933  |
| Lane Denton            | Waco           | G-57-C-3  | 475-5775  |
| Jerry Donaldson        | Gatesville     | 144-C     | 475-2992  |
| A. L. Dramberger       | San Antonio    | 110-E     | 475-4506  |
| Ronald Earle           | Austin         | G-57-C-2  | 475-6461  |
| Jimmie C. Edwards III  | Conroe         | 407-A     | 475-5745  |
| Charles W. Evans       | Hurst          | G-57-C-4  | 475-5779  |
| Michael Ezzell         | Snyder         | 108-A     | 475-2617  |
| Dave Finney            | Fort Worth     | 304       | 475-5769  |
| Buck Florence          | Hughes Springs | 114-C     | 475-2019  |
| Milton Fox             | Houston        | 413-D     | 475-4693  |
| A. C. Garcia           | Pharr          | M-143-B-2 | 475-2181  |
| Matt Garcia            | San Antonio    | 106-B     | 475-6188  |
| Frank Gaston           | Dallas         | 403-E     | 475-5921  |
| Richard Geiger         | Dallas         | 313-B     | 475-5875  |
| Smith Gilley           | Greenville     | 145-C     | 475-3882  |
| Ben Z. Grant           | Marshall       | 417-B     | 475-3097  |
| Forrest Green          | Corsicana      | 315-B     | 475-5757  |
| R. E. Green            | Houston        | 110-C     | 475-2813  |
| L. DeWitt Hale         | Corpus Christi | 113-A     | 475-5824  |
| Anthony Hall           | Houston        | 404-G     | 475-5847  |
| William Hall           | Laredo         | 416-B     | 475-2077  |
| Joe C. Hanna           | Breckenridge   | 349       | 475-3864  |
| Ed J. Harris           | Galveston      | 154-H     | 475-4329  |
| Frank Hartung          | Houston        | 413-B     | 475-5797  |
| Fred Head              | Athens         | 355-B     | 475-2954  |
| W. S. Heatly           | Paducah        | 302-D-1   | 475-2192  |

|                       |                |           |          |
|-----------------------|----------------|-----------|----------|
| Don Henderson         | Houston        | 150-B     | 475-3164 |
| Bob Hendricks         | McKinney       | G-61-B    | 475-5885 |
| Joe L. Hernandez      | San Antonio    | 412-B     | 475-5697 |
| Bill Hilliard         | Fort Worth     | G-52-A    | 475-3601 |
| John Hoestenbach      | Odessa         | G-4-C     | 475-5673 |
| Bill Hollowell        | Grand Saline   | 353-A     | 475-5733 |
| Joe A. Hubenak        | Rosenburg      | G-56-B-1  | 475-2573 |
| Samuel W. Hudson III  | Dallas         | 154-A     | 475-3479 |
| Ray Hutchinson        | Dallas         | 151-A     | 475-2791 |
| Eddie Bernice Johnson | Dallas         | 302-A     | 475-5925 |
| Luther Jones          | El Paso        | G-4-A     | 475-6289 |
| James Kaster          | El Paso        | 144-B     | 475-3885 |
| A. J. Koriath         | Dallas         | 313-C     | 475-5843 |
| Dan Kubiak            | Rockdale       | G-66-D-1  | 475-3563 |
| James E. Laney        | Hale Center    | 404-C-1   | 475-5671 |
| Camm Lary Jr.         | Burnet         | 305-A     | 475-5641 |
| Herman Lauhoff        | Houston        | 114-E     | 475-5916 |
| George Leland         | Houston        | 417-A     | 475-3267 |
| Gibson Lewis          | Fort Worth     | G-52-B    | 475-3878 |
| R. B. McAlister       | Lubbock        | 404-D     | 475-5867 |
| Susan Gurley McBee    | Del Rio        | G-55-B-1  | 475-2763 |
| Felix McDonald        | Edinburg       | 143-B     | 475-2849 |
| T. H. McDonald, Sr.   | Mesquite       | 315-A     | 475-5893 |
| Frank Madla           | San Antonio    | 148-D     | 475-5677 |
| Robert Maloney        | Dallas         | 109-F     | 475-5693 |
| Jimmy Mankins         | Kilgore        | 413-A     | 475-3584 |
| Elmer Martin          | Colorado City  | 147-A     | 475-6239 |
| Tom C. Massey         | San Angelo     | 151-C     | 475-6229 |
| Jim Mattox            | Dallas         | 403-B     | 475-5807 |
| Ed Mayes              | Granbury       | G-59-A    | 475-2909 |
| Chris Miller          | Fort Worth     | 352-B     | 475-5814 |
| Greg Montoya          | Elsa           | 110-D     | 475-4732 |
| Paul Moreno           | El Paso        | 407-B     | 475-2241 |
| Ben Munson            | Denison        | 150-C     | 475-2983 |
| Lynn Nabers           | Brownwood      | 357-B     | 475-5941 |
| Jon P. Newton         | Beeville       | 109-D     | 475-5943 |
| R. C. Nichols         | Houston        | 412-A     | 475-5751 |
| James Nowlin          | San Antonio    | 109-B     | 475-5869 |
| James E. Nugent       | Kerrville      | 345       | 475-2005 |
| Robert O'Kelley       | El Paso        | 350       | 475-6269 |
| Lyndon Olson, Jr.     | Waco           | 154-B     | 475-5971 |
| Carl A. Parker        | Port Arthur    | 154-D     | 475-3078 |
| Walt Parker           | Denton         | 104-A     | 475-3416 |
| Wayne Peveto          | Orange         | 412-C     | 475-4293 |
| Anthony Polumbo       | Houston        | 410-B     | 475-6647 |
| Pike Powers           | Beaumont       | 403-D     | 475-4261 |
| Bill Presnal          | Bryan          | 302-C-1   | 475-5654 |
| George L. Preston     | Paris          | 102-B-1   | 475-5727 |
| Paul B. Ragsdale      | Dallas         | M-416-C-1 | 475-5923 |
| Don Rains             | San Marcos     | 351-A     | 475-2195 |
| Ben T. Reyes          | Houston        | 416-A     | 475-6249 |
| Richard Reynolds      | Richardson     | 114-D     | 475-5951 |
| Abraham Ribak         | San Antonio    | 154-C     | 475-3953 |
| Calvin Rucker         | Cedar Hill     | 108-B     | 475-4343 |
| Joe Salem             | Corpus Christi | G-59-B    | 475-3316 |
| Tom Schieffer         | Fort Worth     | G-70      | 475-5791 |
| Chris V. Semos        | Dallas         | 145-A     | 475-2095 |
| W. C. Sherman         | Fort Worth     | 400-A     | 475-3742 |
| E. L. Short           | Tahoka         | 113-B     | 475-4192 |
| Bob Simpson           | Amarillo       | 140-B     | 475-3706 |
| Richard C. Slack      | Pecos          | 149       | 475-3434 |
| C. L. Slay            | Beaumont       | 410-C-1   | 475-2930 |
| Carlyle Smith         | Grand Prairie  | 305-B     | 475-5895 |
| Joe Spurlock III      | Fort Worth     | 354-A     | 475-3218 |
| David Stubbeman       | Abilene        | 404-F     | 475-3597 |
| Bill Sullivant        | Gainesville    | 110-F     | 475-5753 |
| G. J. Sutton          | San Antonio    | 141-A     | 475-4152 |
| Perry A. Tanner Jr.   | Livingston     | G-4-B     | 475-3932 |
| Elmer L. Tarbox       | Lubbock        | 400-D     | 475-2553 |

## Texas House of Representatives

|                     |                |           |          |
|---------------------|----------------|-----------|----------|
| Arthur Temple       | Diboll         | 316-A     | 475-4244 |
| Senfronia Thompson  | Houston        | 154-E     | 475-3264 |
| Ruben Torres        | Brownsville    | 109-E     | 475-2624 |
| Carlos Truan        | Corpus Christi | 417-C     | 475-5743 |
| D. R. Uher          | Bay City       | 106-C     | 475-3945 |
| R. L. Vale          | San Antonio    | 153-A     | 475-2817 |
| Kenneth Vaughan     | Garland        | 110-B     | 475-5857 |
| Larry Vick          | Houston        | 144-A     | 475-5918 |
| Tim Von Dohlen      | Goliad         | G-09      | 475-3722 |
| Craig A. Washington | Houston        | 416-C-1   | 475-5828 |
| Ron Waters          | Houston        | M-143-B-1 | 475-5627 |
| Ed R. Watson        | Deer Park      | 427-B     | 475-2228 |
| Sarah Weddington    | Austin         | 357-A     | 475-5975 |
| Emmett H. Whitehead | Rusk           | 417-D-1   | 475-5737 |
| John H. Whitmire    | Houston        | 404-E     | 475-5931 |
| Leroy J. Wieting    | Portland       | 140-A     | 475-4383 |
| Doyle Willis        | Fort Worth     | 147-B     | 475-5831 |
| John Wilson         | LaGrange       | 109-A     | 475-2189 |
| Joe Wyatt           | Victoria       | G-70      | 475-5841 |

## Texas State Senators

Listed below are the members of the Texas Senate, their cities of residence, State Capitol office numbers, and telephone numbers in their Austin offices.

| Member               | City           | Room   | Telephone |
|----------------------|----------------|--------|-----------|
| Don Adams            | Jasper         | 319-E  | 475-2671  |
| A. M. Aiken, Jr.     | Paris          | 321    | 475-3474  |
| Betty Andujar        | Fort Worth     | 128-B  | 475-2526  |
| Bill Braeklein       | Dallas         | 122    | 475-3764  |
| Chet Brooks          | Pasadena       | 325    | 475-2901  |
| Ron Clower           | Garland        | 331    | 475-3758  |
| Tom Creighton        | Mineral Wells  | 128-A  | 475-3452  |
| Lloyd Doggett        | Austin         | 332    | 475-3731  |
| Ray Farabee          | Wichita Falls  | 116    | 475-4446  |
| Kent Hance           | Lubbock        | 333    | 475-4177  |
| D. Roy Harrington    | Port Arthur    | 126    | 475-2809  |
| O. H. Harris         | Dallas         | 124    | 475-4171  |
| Grant Jones          | Abilene        | 419    | 475-3733  |
| Glenn Kothmann       | San Antonio    | 303    | 475-3911  |
| Frank Lombardino     | San Antonio    | 327    | 475-4173  |
| Raul Longoria        | Edinburg       | 120    | 475-3471  |
| Oscar Mauzy          | Dallas         | G-35-B | 475-2528  |
| Mike McKinnon        | Corpus Christi | 211    | 475-4279  |
| Peyton McKnight      | Tyler          | 326    | 475-4175  |
| Bill Meier           | Eules          | 320    | 475-3496  |
| Walter Mengden, Jr.  | Houston        | 328    | 475-3408  |
| W. T. Moore          | Bryan          | G-35-A | 475-4371  |
| Jack Ogg             | Houston        | 329    | 475-2261  |
| W. N. Patman         | Ganado         | 129-C  | 475-2753  |
| H. Tati Santiesteban | El Paso        | 212    | 475-3641  |
| A. R. Schwartz       | Galveston      | 129-B  | 475-5881  |
| Max Sherman          | Amarillo       | 129-A  | 475-3222  |
| W. E. Snelson        | Midland        | 128-C  | 475-3494  |
| John Traeger         | Seguin         | 421    | 475-3756  |
| Lindon Williams      | Houston        | 324    | 475-3643  |